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HISTORY
OF THE
COUNTIES, CITIES,
AND
BOROUGHES.

PART II. — VOL. I.

IN SIX VOLUMES—VOL. I.

PRINTED FOR H. B. K. OLDFIELD, AND BY

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HISTORY
OF THE
COUNTIES, CITIES,
AND
BOROUGHES.

PART II. — VOL. I.

THE
REPRESENTATIVE HISTORY
OF
G R E A T B R I T A I N
AND
IRELAND:

BEING A HISTORY OF
THE HOUSE OF COMMONS,
AND OF THE
COUNTIES, CITIES, AND BOROUGHES,
OF
THE UNITED KINGDOM,
FROM THE EARLIEST PERIOD.

BY T. H. B. OLDFIELD.

"Without a parliamentary reform, the nation will be plunged into new wars: without a parliamentary reform, you cannot be safe against bad ministers; nor can good ministers be of use to you. No honest man can, according to the present system, continue minister."—*Pitt's Speech, 1782.*

"If an Englishman," said the great Frederick of Prussia, "has no knowledge of those kings that filled the throne of Persia, if his memory is not embarrassed with that infinite number of popes that ruled the church, we are ready to excuse him: but we shall hardly get the same indulgence for him, if he is a stranger to the origin of parliaments, to the customs of his country, and to the different lines of kings who have reigned in England."—*Kett's Elements of General Knowledge, Vol. II., Page 3.*

IN SIX VOLUMES—VOL. III.

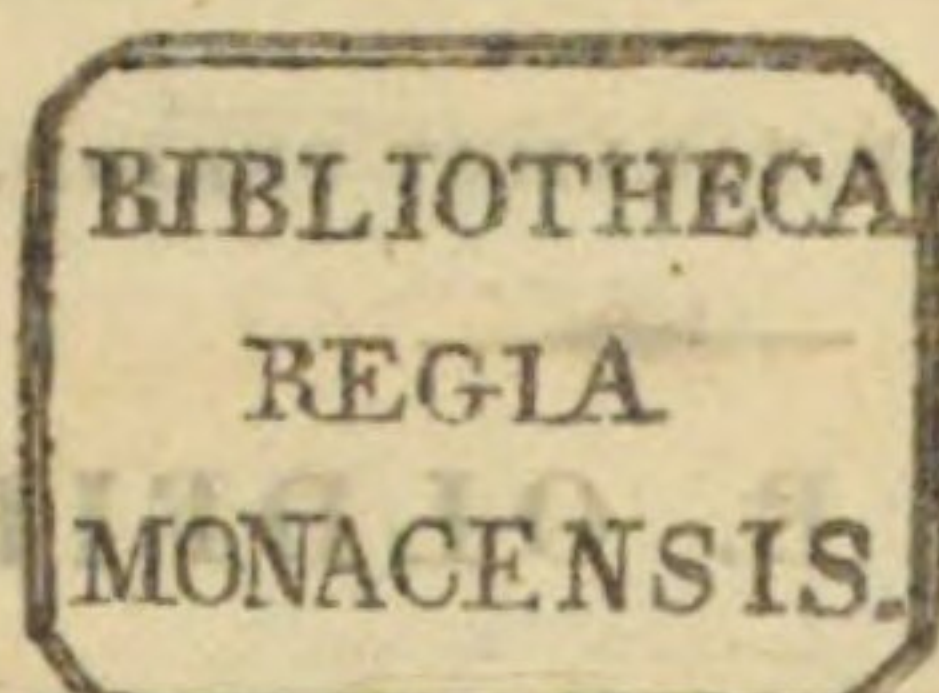
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1816.

THE
REPRESENTATIVE HISTORY
OF
GREAT BRITAIN
AND
IRELAND:

BEING A HISTORY OF
THE HOUSE OF COMMONS,
AND OF THE
COUNTIES, CITIES, AND BOROUGHES,
OF
THE UNITED KINGDOM.



Without a parliamentary system, the nation will be plunged into anarchy, without a permanent system, the nation will be plunged into anarchy; and, without a permanent system, the nation will be plunged into anarchy. The nation will be plunged into anarchy, without a permanent system, the nation will be plunged into anarchy. The nation will be plunged into anarchy, without a permanent system, the nation will be plunged into anarchy.

IN SIX VOLUMES—VOL. III.

London:

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1816

CONTENTS

OF PART II. VOLUME I.

GENERAL OBSERVATIONS ON THE REPRESENTATION	1
BEDFORDSHIRE	9
Bedford	14
BERKSHIRE	23
Abingdon	26
Reading	32
Wallingford	37
Windsor	41
BUCKINGHAMSHIRE	47
Buckingham	52
Aylesbury	57
Chipping-Wycombe	79
Wendover	86
Great Marlow	91
Agmondesham	96
CHESHIRE	99
Chester	101

	PAGE
CAMBRIDGESHIRE	115
Cambridge University	120
Cambridge Town	122
CORNWALL	126
Saltash	136
St. Michael's	146
Helston	154
St. Ives	186
Tregony	194
Truro	199
Fowey	204
Bossinney	209
Penryn	213
Launceston	217
Newport	221
Lestwithiel	225
St. Mawes	231
Camelford	232
West Looe	236
East Looe	239
Grampound	242
St. Germans	245
Bodmin	247
Leskard	250
Callington	253
CUMBERLAND	255
Carlisle	258
Cockermouth	266
DERBYSHIRE	270
Derby	273
DEVONSHIRE	279
Exeter	283
Plymouth	287
Oakhampton	290
Barnstaple	298

CONTENTS.

vii

	PAGE
Totness	302
Honiton	306
Tavistock	312
Plympton Earle	316
Ashburton	325
Berealston	328
Tiverton	332
Dartmouth	336
DORSETSHIRE	342
Dorchester	345
Poole	352
Lyme Regis	371
Weymouth and Melcombe Regis	376
Bridport	386
Shaftesbury	391
Corfe Castle	409
Wareham	416
DURHAM COUNTY	420
Durham	426
ESSEX	436
Colchester	441
Malden	460
Harwich	467
GLOUCESTERSHIRE	471
Gloucester	476
Cirencester	481
Tewkesbury	487
HAMPSHIRE	492
Winchester	495
Portsmouth	500
Stockbridge	507
Christchurch	516
Lymington	522
Whitchurch	528
Petersfield	533

	PAGE
Andover	539
Southampton	545
Isle of Wight	554
Newport (I. of Wight)	557
Yarmouth (I. of Wight)	564
Newton (I. of Wight)	568

HISTORY
OF THE COUNTIES, CITIES,
AND
BOROUGHs,
IN GREAT BRITAIN AND IRELAND.

**GENERAL OBSERVATIONS ON THE REPRESENTA-
TION.**

THE members for the fifty-two counties are all elected by one uniform right. Except in certain cities and towns having peculiar jurisdictions, every man, throughout England and Wales, possessed of forty shillings per annum freehold, is entitled to vote for the county in which such freehold is situated.

With respect to the different cities, towns, and boroughs, they exercise a variety of separate and distinct privileges, scarcely capable of being classed in any methodical order, and still less of being ascertained by the application of any fixed principle. In the greater part of them, indeed, the right of voting appears to be vested in the *freemen of bodies corporate*; but under this general term, an infinite diversity of peculiar customs is to be found. In some places, the number of

votes is limited to a select body not exceeding *ten*; in others, it is extended to *eight* or *ten thousand*. In some places, the freeman must be a resident inhabitant to entitle him to vote; in others, his presence is required only at an election. The right to the freedom is also different in different boroughs, and may, according to peculiar usage, be obtained by birth, servitude, marriage, redemption, &c., &c.

The remaining rights of voting are of a still more complicated description. Burgageholds, leaseholds, and freeholds, scot and lot inhabitants, householders, inhabitants at large, potwallopers, and commonalty, each in different boroughs prevail, and create endless misunderstandings and litigation. This arises from the difficulty which is daily found in defining and settling the legal import of those numerous distinctions which, in some places, commit the choice of two members to as many inhabitants as every house can contain; in others, to the possessor of a spot of ground, where neither houses nor inhabitants have been seen for years; and which, in many instances, have even baffled the wisdom of parliament to determine who are entitled to vote, or what constitutes their right.

In the city of London, and many other cities and towns having peculiar jurisdiction, a man possessed of an income of one thousand pounds, or any greater sum, arising from copyhold, leasehold for ninety-nine years, trade, property in the national funds, or even freeholds, is not thereby entitled to vote.

Religious opinions create an incapacity to exercise the elective franchise. All catholics are excluded generally; and by the operation of the test laws, protestant dissenters are deprived of a voice in the election of representatives in all those boroughs, where the right of voting is confined to the corporate officers alone.

A man paying taxes to any amount, however great, for his domestic establishment, does not obtain a right to vote, unless his residence be in some borough where that right is vested in the inhabitants.

To restore the ancient right of election, as it was exercised in the tythings of the respective hundreds in each county by the householders in numerical divisions, would at once correct all the existing abuses, and establish a representation of the people perfectly fair and equal. It would extinguish all contentions about elective rights, and save millions of money wasted in expensive contests. The elective franchise ought to be common and personal; and, if not exercised *by all*, which, by the earliest writs of Edward the First, we find to have been the constitutional right of the people, the qualification should be so moderate, that there might be no condition in life in which it should not be in the power of every individual to acquire it by labour, by industry, or by talent.

If, in the end, this should furnish an election, as we believe it would do, for the whole United Kingdom, by nearly a million and a half of heads of families, enough would be done to guard the

rights of property on one hand, and to satisfy the national claims of personal representation on the other; and if a constituent power so formed, so extended, and so limited, be not sufficient to create a free and independent house of commons, the case is desperate; the object can never be obtained.

Burgh's
Polit.
Disquis.

In support of personal right it is contended, that every one has what may be called property; every man has life, personal liberty, character, a right to his earnings, a right to his religious profession and worship according to his conscience, &c.; and many men who are in a state of dependence upon others, and who receive charity, have yet wives and children, in whom they have a right. Thus the poor are liable to be injured by the government in a variety of ways. According to the commonly received doctrine, that servants and those who receive alms have no right to vote for members of parliament, an immense multitude of people are deprived of all power to determine who shall be the protectors of their lives, their personal liberty, their little property, (which though, singly considered, is of small value, yet is, in the aggregate, a great object,) and the virtue of their wives and daughters. That which is peculiarly hard upon the poor in this case is that, though they have no share in determining who shall be the lawgivers of their country, they have a heavy share in raising the taxes which support its government. The taxes on malt, beer, leather, soap, candles, and other articles, which are paid chiefly by the poor who are allowed no vote for members of parlia-

ment are equal in amount to a heavy land tax. The landed interest would complain grievously if they had no power of electing representatives ; and it is in free states an established maxim, that whoever contributes to the expenses of government, ought to be satisfied concerning the application of the money contributed by him, and consequently ought to have a share in electing those who have power over its application.

That the collective body of qualified electors should be as numerous as possible is also desirable for many reasons ; but principally because a great number of electors, by making each individual vote of no venal value, and hardly worth solicitation, is of itself a better security against corruption, than the severest laws against bribery. The security which, on the other side, this would afford against violence and faction, depends on the personal circumstance, character, and situation of the voters. To exclude the effect of influence and favor on human actions is impossible ; but when the elector has something to give, and nothing to sell, it may reasonably be expected that his inclination and his judgment will go together, and determine him in favor of the worthiest candidate. A house of commons thus chosen by the combined operation of property and population, will be free and independent, if any thing can make it so. To maintain it free and independent of any influence or interest but that of its constituents, the choice of new representatives must frequently revert to the people.

The advocates, however, for limited right of suf-

frage desire to restore the constitution to the state in which it existed from the earliest times to the passing the statute of the eighth of Henry the Sixth ; and to reinstate every householder in Great Britain, paying parish taxes, in the right of voting for one member of parliament.

The species of property which constitutes this qualification, has the advantage of being open, ostensible, and incapable of being disputed. It indicates a real residence, and implies a stationary interest in the place for which the vote is given and the representative chosen. But, besides the possession of a competent property, of which the occupation of a house paying taxes is a sufficient presumption, a householder has other qualities, which ought to recommend him to favourable distinction, and particularly to the trust in question. He is necessarily the master, and probably the father, of a family. In the first character, he has personal credit and respect to maintain ; in the second, he has given actual hostages to society. He is the natural guardian and virtual representative, not only of his family and servants, but of all those who depend upon him for support, protection, or employment. Such a station deserves confidence, and should be made respectable, that all men may be prompted and encouraged to rise to it. The relations and duties that belong to it are antecedent to all positive institutions, and constitute at once the basis and the security of civil society.

By these means it is contended, that all the useful and effective purposes of a reform in the construction of the house of commons would be suffi-

ciently answered. They indeed who hope to succeed in practical measures of general operation, must yield to circumstances which they cannot command, must apply the principles no further than they will go with safety, and must be satisfied with general effects. That final issue between two contending interests, with which neither of them is thoroughly contented, is very likely to be the best for them both. At first sight it looks like bravery to run into extremes; but to keep the middle path, and to be ready to encounter the violence of either side, or of both when they unite, as they very often do, is the surest proof of political courage, as well as of prudence and virtue.

To carry this principle into effect, a considerable alteration must be made in the present distribution of the elective power. To involve the numbers by whom the power ought to be exercised, it must be distributed equally and impartially over the whole surface of the kingdom. To obtain that end, the most certain and the easiest course would undoubtedly be by a new division of the country, for the single purpose of electing a fair and equal representation, *and for no other*. A new division is indispensable; for that which is wanted is a FREE HOUSE OF COMMONS, AND A REAL REPRESENTATION. Any measure of reform which does not really give, and effectually secure, that object, is more than unprofitable, and the efforts to obtain it are merely thrown away. For if any considerable stir in this business should once be made without success, it is not rational to expect that the nation would ever be brought to make a second.

The whole measure, therefore, must not only be adequate to the whole of its purpose, but it must move together and act at once with all its force. Gradual alterations or progressive improvements, which some recommend, would all be successively absorbed, and ultimately sunk into the *existing system*. Partial remedies serve only to soften the symptoms, and to induce a habit of acquiescence in predominant error, while they leave entire the root of the evil. If an effectual reform of the house of commons is not to be had *now*, we should take care not to make it unattainable hereafter by any act of agreement or composition, with the mischief itself, or with the interests which support it.—Much may be expected from the progress of events in their present course. In better times, the measure may be carried by consent; in worse, by necessity.

By the re-establishment of the hundreds and tythings in each county, the system of representation may be renovated, and a reform obtained upon either of these principles. Such a number of the hundreds as would have a right to choose one member of parliament might be associated into a district for that purpose, and the poll be taken in each hundred before the constable on the same day and hour all over Great Britain and Ireland. All disputes about the right of voting would thus be removed; every man would be known and recognized in his own hundred. All expense of carrying electors from one end of the kingdom to another to vote would be prevented; and all the confusion, tumult, and riot attending the present mode

of election would be avoided. No individual at present possessing the right of voting would be disqualified, and every man having a claim to that privilege would be restored to it. By thus dividing the counties into single districts, the absurdity and inconvenience of choosing two persons, very often of opposite principles, to represent the same place, would likewise be avoided. Such agents, instead of uniting to serve their principals, can only be employed in counteracting each other, if they act at all, and finally leave their constituents, without an effective voice in parliament.

Having premised thus much respecting general representation, we shall now proceed to consider the county of Bedford in particular.

COUNTY OF BEDFORD.

BEDFORDSHIRE is an inland county, bounded on the north by Huntingdonshire and Northamptonshire, on the west by Buckinghamshire, on the south by the same county and that of Hertford, and on the east by Hertford and Cambridge. Its limits are winding and irregular, and its only natural ones are the Ouse for a short space on the east and the west, and a rivulet on the south-west border. Its form is nearly oval, about 33 miles long, and 18 broad, being 73 miles in circumference, and containing about 260,000 square

acres, having 40,000 acres in course of tillage, and 168,000 acres in pasturage.

It comprises 124 parishes, with ten market towns, in which are 11,888 houses and 63,393 inhabitants, being 30,523 males, and 32,870 females, of whom 13,816 were returned as being employed in trade and manufacture, and 18,766 in agriculture. It is in the Norfolk circuit, the province of Canterbury, and bishopric of Lincoln: and is divided into nine hundreds, viz. Barford, Biggleswade, Clifton, Flitt, Manshead, Redborne, Stodden, Willey, and Wixamtree. Its principal river, the Ouse, has been made navigable to Bedford, and divides the county into two parts: in its course it receives several small streams.

The principal products of the county are corn and butter; much of the former of which is sent down the Ouse to Lynn, and the latter goes to London by land carriage: some parishes are particularly cultivated for vegetables. Its most valuable mineral product is fuller's earth, a kind of mixed clay of great use in cleansing woollens, which is found more particularly in the neighbourhood of Woburn. This county derives very little benefit from trade and manufactures; the poor are chiefly employed in lace making, and the manufacture of straw plat, made into hats, baskets, and toys, particularly about Dunstable. The market towns are Ampthill, Bedford, Biggleswade, Dunstable, Leighton-Buzzard, Luton, Pottton, Shefford, Tuddington and Woburn.

The air of this county is pure, and reckoned healthy. The total return of income under the

property-tax, 1806, was £591,816. And the amount of the poor's rates in 1803, £47,484: at the rate of 3s. 9 $\frac{3}{4}$ d. in the pound. The average scale of mortality, for 10 years, appears to have been to the population, as 1 to 49.

REPRESENTATIVE HISTORY.

PETITIONS, *December* 12, 1698.—A peti-^{Carew, p. 35.}tion of W. Duncome and T. Bramsall, esqrs., was presented to the house and read, setting forth that, at the last election of knights of the shire for the county, Edward Lord Russell and Sir William Gostwick were returned, by reason that votes were procured by entertainments and other illegal means, and by reason that many freeholders, who offered to poll for the petitioners, were prevented by the sheriff and his officers; all which proceedings were to the injury of the petitioners, who were candidates at the said election, and ought to have been returned: and praying relief in the premises.

The house decided, that Edward Lord Russell is duly elected a knight of the shire for this county;

That Sir William Gostwick is duly elected a knight of the shire for this county.

March 31, 1715, a petition of John Cater, esq., was read; shewing, that at the election of knights of the shire for this county, the petitioner, William Hillersden, Sir Pynsent Charnock, and John Harvey, esq., were candidates. That the petitioner and the said William Hillersden had a majority of legal votes; but several persons voting

for the said Mr. Harvey, though not qualified; and, by the illegal practices used by the said Mr. Harvey and agents, there was procured a majority of sixteen above the petitioner, who otherwise would have had a majority: and praying, &c.

A petition of Sir Pynsent Charnock was also presented, but withdrawn on the 18th of May following.

The house resolved, that John Harvey, esq. is not duly elected a knight of the shire to serve in this present parliament.

Resolved, that John Cater, esq., is duly elected a member of the shire to serve in this parliament for this county; and ordered the return to be amended.

Luders, v.
1. p. 253

At the general election in 1784, Lord Ossory was chosen by a considerable majority: and the Hon. St. Andrew St. John, now Lord St. John, was returned as having a majority of *one* over Lord Ongley. In 1785, Lord Ongley petitioned for the return to be amended in his favour, by the correction of a mistake made in the poll. It was alleged, that a vote had been entered for Mr. St. John, which had in fact been given for Lord Ongley, and that the sheriff (due application having been made to him for that purpose) should have corrected that mistake, and should have declared the majority in favour of Lord Ongley. It was debated in the house whether this petition related to the return only, or to the merits of the election; and the former was finally determined. The committee, forming the opinion upon the balance of the evidence on each side, resolved,

1. "That the application to the sheriff was such, and made in such time, as to call upon him to attend to it."

2. "That he ought to have taken the vote of William Lugsden from the poll of Mr. St. John, and ordered it to the poll of Lord Ongley."

The committee accordingly did what the sheriff might and ought to have done; viz. corrected the poll and gave it to Lord Ongley.

In 1785, the merits of this election became the subject of enquiry before another committee on a petition from the Hon. St. Andrew St. John, which contained a general account of the proceedings, a charge of bribery against Lord Ongley, and an allegation that the sheriff had admitted many illegal votes in his favour, and registered many legal votes tendered for Mr. St. John. This petition stood *wholly* unconnected with the former, and in the same point of view as if Lord Ongley had been the member originally returned, and Mr. St. John had at first petitioned against him upon the merits of the election.

This committee determined, that Mr. St. John was entitled to the seat by a legal majority of votes. This case affords a clear illustration of the distinction between the merits of the election and of the return.

INFLUENCE.

The Duke of Bedford can always return one member for this county; the other is frequently contested. Through this interest the Right Hon. Richard Fitzpatrick was elected by a majority

of 18 in 1806. The other noblemen and gentlemen professing political influence in their county are the Earl of Ossory, Lord St. John, Lord Ongley, Sir George Osborne, Sir G. O. P. Turner, S. Whitbread, and Francis Pym, esqrs.

TOWN OF BEDFORD.

BEDFORD is the county town of Bedfordshire, ten miles from Olney, and fifty from London; containing 5 parishes, 783 houses, and 3,948 inhabitants, being 1,712 males and 2,236 females, of whom 2,221 were returned as being employed in various trades and manufactures.

It has five parish churches, the principal of which is St. Paul's; two meeting-houses; several hospitals; a house of industry; and an infirmary; with a good trade in corn by the way of Lynn. The soil of the neighbourhood is particularly productive of good wheat and barley, the first of which goes chiefly by land-carriage to the markets of Hitchin and Hertford, where it is bought, ground into meal, and carried to London. Its river, sometimes, after rain, makes such an inundation of the Isle of Ely, that it is common for the people there to say, "the bailiff of Bedford is coming." The markets are on Saturday for corn, and on Tuesday for cattle.

The manor of the town is held from the crown by the corporation, by virtue of ancient grants: the first of which is 13 of Henry II. at which time the burgesses fined in 40 marks to have the

same liberty the burgesses of Oxford enjoyed. After which King Henry III. by charter, dated April 30, 1226, confirmed this borough to the burgesses, on their payment of a fee farm-rent of forty pounds per annum.

REPRESENTATIVE HISTORY.

This town sent burgesses to parliament at the first summons of the twenty-third of Edward the First. It had then a mayor belonging to it.

PETITIONS.—In 1640, there were two indentures; in one, Sir Beauchamp St. John, and Sir Samuel Luke were returned; and in the other, Sir Beauchamp St. John, and William Boteler. Willis, 18.

May 1. “Ordered that Sir Beauchamp St. John do sit, he being in both returns.”

“That Mr. Boteler and Sir Samuel Luke do forbear to sit till their controversy be decided.”

August 5, 1641. “Resolved, upon the question, that Sir Samuel Luke is well elected as a burgess for the town of Bedford, and ought to serve as a member of the house.”

May 16, 1661. Serjeant Charleton reports from the committee, concerning the several returns for the town of Bedford, that John Keeling, serjeant at law, and Richard Taylor, esq., were returned in two indentures by the mayor, bailiffs, and burgesses; and that Sir Samuel Luke and Mr. Taylor were returned in another indenture by the mayor; and the opinion of the committee, that Serjeant Keeling ought to sit until the said election be determined: to which the house agreed. Carew 39.

March 29, 1690. A petition of Sir William Franklyn, knight, was read, shewing that he was duly elected and chosen by the proper officers of this town, and the return being made to the high sheriff, which he received and returned to the under sheriff, with orders that he should deliver the same without any alteration to the clerk of the crown, which he carried to the clerk's office; but about the nineteenth or twentieth instant, he went to the clerk's office, and altered the return, by tearing off the indenture from the precept wherein the petitioner was returned, and affixed another in the room of it, whereby Mr. Christy, with Mr. Hillersden, are returned in abuse of your petitioner, and the said borough, whereupon a double return is pretended, purposely to delay the petitioner from serving in the house; and praying that the under sheriff and clerk of the crown may shew cause why the return was altered, and that the precept may be produced, and the return of the petitioner may be received and allowed.

The committee of privileges and elections, contrary to modern practice, proceeded to try the merits of the election as well as that of the return, and reported,

“That Sir William Franklyn is not duly elected a burgess to serve in this present parliament for this borough.”

“That Thomas Christy, esq., is duly elected a burgess to serve in this present parliament for this borough.”

“That the matter upon the petition of Sir Wil-

liam Franklyn, and of the returns of the burgesses for the said town, be specially reported to the House."

A petition of Sir William Franklyn was offered to the House, and brought to the table, to the following effect: "That he was surprised, by the order of the committee which Mr. Christy had obtained, to hear the merits of the election, with the matter of the double return, and therefore had not instructed his counsel, nor was provided for defence in that matter, the said order being obtained, *ex parte*; and it being proposed to read the petition, it was refused. Then a motion was made to recommit the report, which was also denied."

The several resolutions were then read a second time, and agreed to by the House.

Ordered, "That the under sheriff of the county of Bedford be taken into the custody of the serjeant at arms attending this house, for his misdemeanor, touching the return of burgesses to serve in this present parliament for this borough."

Ordered, "That the mayor of this town be taken into custody of the serjeant at arms attending this house, for his misdemeanor in the late election of burgesses to serve in this present parliament for this borough."

Ordered, "That the mayor and bailiffs of this town do attend the House on Monday next, to amend the return of burgesses to serve in this present parliament for this borough, and that the clerk of the crown do then also attend with the said return."

Resolved, "That after a return made into the crown office of members to serve in parliament, the same shall not be altered by the sheriff or clerk of the crown, or any other but by the House."

Nov. 2, 1705. A petition of Samuel Rolt, esq. was read; shewing the petitioner was a candidate at the last election of members to serve in parliament for this town, but by bribery, menaces, and other indirect practices, Sir Philip Monoux, and William Farrer, esq. (who also were candidates,) procured a considerable majority of voters over the petitioner, and were returned; and praying, &c.

Ordered, "To be referred to the committee of privileges and elections to examine the matter, and report it with their opinion."

March 5, 1713. A petition of Wm. Farrer, esq. was read; shewing, that at the election for this borough, where the petitioner and Samuel Rolt, esq. were candidates, that Mr. Rolt, at the time of the said election, was not qualified according to act of parliament; and that the petitioner had the majority, notwithstanding which, the mayor and bailiffs of the said borough did unduly elect and return the said Mr. Rolt, in wrong of the petitioner; and praying, &c.

Ordered, "To be referred to the committee of privileges and elections to examine the matters, and report it with their opinion."

No determination on the journals upon the last two petitions.

This borough had, during almost a century, been under the influence of the Bedford family;

but in the year 1768, when Mr. Wilkes was in the zenith of his popularity, the corporation, whom the late John Duke of Bedford, grandfather of the present Duke, had offended, in order to destroy the Bedford interest in that town, created a great number of honorary freemen, among whom were the late Sir Robert Bernard, Mr. Alderman Townsend, John Horne Tooke, esq., and several more independent gentlemen, traders, and yeomen. Sir Robert Bernard was elected recorder, and the borough seemed to have gained a perfect independence. A petition was, however, presented by Mr. Whitbread and Mr. Howard against the election of Sir William Wake, bart., and Robert Sparrow, esq.; in which the petitioners disputed the right of such burgesses and freemen as were non-residents, which they supported on the last determination of the house, on the 12th of April, 1690.

Lord Gless-
bervie,
v. 11. p. 69.

The committee were of opinion, that the words of the above resolution "being householders," do not refer to the burgesses and freemen, but to the inhabitants only.

The chairman also added, although not in the formal words of a resolution, that the committee were clearly of opinion, that the objection of occasionality would not lie with freemen resident or non-resident, made above a year before the election. By this determination the independent freemen made in 1768 were all declared legal electors of this borough.

The above important question being thus decided in favor of Wake and Sparrow, the sitting

members, the petitioners proceeded to establish certain voters who had been refused on the ground of pauperism; and several decisions were made which, being contrary to former decisions, it may be proper to state.

The first question was, whether persons having received a charity within a year before the election were entitled to vote? The committee determined, that persons receiving Sir William Harper's * charity are not thereby disqualified. This point was in favor of the petitioners, Whitbread and Howard.

A question next arose of similar importance, respecting inhabitants coming to reside within the several parishes of the town of Bedford with certificates from other parishes, having a right to vote. These, by agreement of counsel, were admitted not to come under the description of paupers, and were consequently added to the poll of the petitioners.

The counsel of the petitioners then endeavoured to support, and the counsel for the sitting members to oppose, on the same grounds,

First, Persons having received a charity called Hawe's charity;

Secondly, Persons having received a charity called Welborn's charity;

Thirdly, The masters and brethren of St. John's Hospital.

Fourthly, Freemen who had received parish relief within a year before the election; and,

* A native of Bedford, who was some time Lord Mayor of London, in the reign of Elizabeth; he founded a free-school,

Fifthly, Freemen who had an inchoate right to their freedom, but were admitted contrary to the accustomed mode of admission, and within a year before the election.

On the above question, the committee determined, that such as had received Hawe's charity were not thereby disqualified: that such as had received Welborn's charity were thereby disqualified; that the master and brethren of St. John's Hospital were not disqualified; that such as had received alms, meaning thereby parish relief, within twelve months previous to election, were disqualified; and, lastly, that they would not reject any person's vote for receiving alms within the said year preceding the election.

It is thought necessary to give this statement as a guide for future elections in this town.

In consequence of the above decisions, Sir William Wake, one of the sitting members, and the late Samuel Whitbread, one of the petitioners, were declared duly elected.

CORPORATION.

This at present consists of a mayor, two recorders, deputy recorder, two bailiffs, chamberlain, thirteen common councilmen, and an uncertain number of aldermen, because whoever has been mayor, is always afterwards reputed an alderman. These, however, are generally limited to twelve. The mayor and bailiffs are chosen annually out of the freemen, and are the returning officers. The charter by which they now act was granted them by Charles the Second, in the year 1664.

The liberties of the corporation extend above

nine miles in circuit round the town ; and a member of Bedford, many years since, bequeathed to it a field or two on the spot now called Theobald's-row, Red Lion-street, Eagle-street, and its environs, near Red Lion-square, London ; the leases of which expiring some years since, the estate is become so considerable, that the corporation obtained an act of parliament to empower them to give portions to servant maids, for the encouragement of population ; fees with poor children bound apprentices ; and other charitable donations.

RIGHT OF ELECTION.

This is vested in the Burgesses, Freemen, and Inhabitants, being Householders, and not receiving alms.

NUMBER OF VOTERS—400.

RETURNING OFFICERS—the Mayor and the two Bailiffs.

PATRON—Duke of Bedford—one Member.

POLITICAL CHARACTER.

This town is as independent as any in England. The Duke of Bedford and Mr. Whitbread possess an interest arising from great landed property, and deserved popularity, but not that arbitrary and unconstitutional command which is attached to the proprietor of a borough, or the owner of six or seven burgage tenures, conveyed on the morning of an election to a few select friends, or to the menial servants of the patron, which we shall be obliged to notice as they come under our review. The more dangerous influence of corruption has never pervaded this town.

COUNTY OF BERKS.

BERKSHIRE is bounded on the north by Oxfordshire and Buckinghamshire, from which it is separated by the Thames ; on the east by Surrey ; on the south by Hampshire ; on the west by Wiltshire ; and its north-west corner just meets a point of Gloucestershire.

The shape of this county is irregular, being about 40 miles long, 30 broad, and about 137 in circumference, containing 774 square miles, or 476,160 square acres, of which 260,000 acres are arable, 120,000 pasturage, and the remainder uncultivated, including woodlands ; having 148 parishes, 4 borough towns, and 8 other market towns, containing 21,195 houses, and 109,215 inhabitants, being 52,821 males, and 56,394 females, of whom 16,921 were returned as being employed in trade and manufacture, and 38,155 in agriculture. It is in the Oxford circuit, the province of Canterbury, and diocese of Salisbury. It is divided into 20 hundreds, viz. Beynhurst, Bray, Charlton, Compton, Cookham, Faircross, Farringdon, Gunfield, Hormer, Kintbury Eagle, Lambourn, Moreton, Ocke, Reading, Ripplesmore, Shrivenham, Sonning, Theale, Wantage, and Wargrave. Its market towns are Abingdon, Farringdon, Hungerford, East Ilsley, Lambourn, Maidenhead, Newbury, Ockingham, Reading, Walling-

ford, Wantage, and Windsor. Its principal river is the Thames ; it has also the Kennett, (great part of which is navigable,) the Loddon, the Ocke, and the Lambourn, a small stream which, contrary to most other rivers, is highest in summer, and sinks gradually as winter approaches.

Much barley is malted in this county, and sent to London. The air of this county is esteemed healthy even in the vales. It is well stored with timber, particularly oak and beach. Its principal manufactories are woollen and sail-cloth. Besides its river navigation, it has the Kennett and Avon canal from Reading to Hungerford.

Berkshire is an earldom, belonging to a branch of the Howard family, the representative being earl of Suffolk and Berkshire. This county has long been famous for its favourite royal residence at Windsor, its magnificent castle having been originally founded by William the Conqueror.

The total return of income under the property tax in Berkshire, in 1806, was £1,220,352 ; and the amount of the poor rates in 1803, £96,860, at the rate of 4s. 11d. in the pound. The average scale of mortality for 10 years appears to have been to the population as 1 to 48 $\frac{1}{3}$.

REPRESENTATIVE HISTORY.

October 21, 1678. A petition of Henry Alexander, Earl of Sterling, in the kingdom of Scotland, against the return of William Barker, esq.

The parliament was soon afterward dissolved ; and the petition does not appear to have been heard.

May 23, 1685. A petition of the Lord Sterling, complaining of the undue election and return of Richard Southby, esq.

There is no report upon this petition.

May 24, 1689. A petition of Richard Neville, esq. stating that the petitioner and Sir Henry Winchcombe were duly elected; but that the sheriffs returned Sir Henry Winchcombe, and Sir Humfrey Foster.

April 2, 1690. A petition in behalf of the major part of the freeholders of the said county, stating that Lord Norris and Sir Humfrey Foster were on the 24th of February last fairly elected: but that the sheriff had returned Sir Henry Winchcombe, instead of Lord Norris.

October 6. Mr. Neville renewed his petition.

All were referred to the committee of privileges.

Dec. 22. Mr. Gray reported, that upon the petition of the freeholders against the return of Sir Henry Winchcombe, no person appearing to make good the said petition,

Resolved, "That the said petition be rejected."

Upon the petition of Mr. Neville, the committee determined, that Sir Humfrey Foster was duly elected.

Agreed to by the house.

October 24, 1772. A petition of Henry Grey, esq. against the return of Sir John Stonehouse and Robert Packer, esq.

Petition withdrawn.

INFLUENCE.

The Earl of Craven and Lord Braybroke, whose

son at present represents the county, have a prevailing interest. The Earl of Radnor is lord lieutenant, but his influence goes with the other noblemen.

POLITICAL CHARACTER.

At the general election in 1812, there was a contest for this county, when the numbers on the poll were

Charles Dundas, esq.	1717
Hon. Richard Neville	1574
William Hallet, esq.	525

It is due to the freeholders who voted for Mr. Hallet to state that they were neither conveyed to the place of election nor treated by the candidate, but that every person defrayed his own individual expenses !

BOROUGH OF ABINGDON.

ABINGDON, a market and borough town in the hundred of Hormer, Berks, is $55\frac{1}{2}$ miles from London ; containing 867 houses, and 4,356 inhabitants, of whom 1,847 were returned as employed in various trades. It stands on a branch of the Isis ; and derives its name from an ancient abbey founded in 675, before the building of which it was called Shrovesham.

The town consists of several streets well paved, which terminate in a spacious area in which the market is held, being reckoned one of the most considerable in England for grain. Much business is done here in the malting line. Market on Monday and Friday.

REPRESENTATIVE HISTORY.

This borough, as a town of great trade, sent once, (11 Edw. III.,) upon a peremptory summons, to the council, or national assembly; and received its charter, Nov. 24, 1557, from Philip and Mary, who then imprivileged them to send one burgess to parliament.

PETITIONS. April 27, 1660. Sir John Lenthall returned by the mayor, Sir George Stonehouse by the bailiffs.

The question was important. Whether the word "*Burgenses*," mentioned in the charter, was to be understood as meaning the whole inhabitants of the town, or only the corporation.

Resolved, "That the word "*Burgenses*" extends to the inhabitants at large within the borough."

"That Sir George Stonehouse, having a greater number of voices than Sir John Lenthall, is duly elected."

Whereto the house agreed.

Ordered, "That John Mayott, mayor of this borough, forthwith stand committed to the custody of the serjeant at arms, in respect to his neglecting to give his attendance to amend the return."

January 16, 1688. A petition of Sir John Stonehouse against the return of Thomas Medlycott, esq.

Resolved, "That Thomas Medlycott, esq. is not duly elected."

"That Sir John Stonehouse is duly elected."

The House agreed to the first resolution, but negatived the second.

May 8. A new writ was ordered.

June 3, 1689. A petition of Sir John Stonehouse, complaining that he was duly elected; but that the mayor had returned John Southby, esq.

Resolved January 8, 1690. "That all those who receive alms, according to act of parliament, have no voices in the election."

"That those inhabitants who receive any constant alms, weekly, monthly, quarterly, or yearly, have no voices in the election."

"That John Southby, esq. is not duly elected."

"That Sir John Stonehouse is duly elected."

All these resolutions were agreed to by the House.

December 12, 1698. A petition of William Hucks, esq. complaining of the gross partiality of John Selwood, the mayor, in returning Simon Harcourt, esq.

It appeared that a letter had been produced at the news house at Abingdon, subscribed Charles Medlycott, encouraging an interest to be made for the petitioner, Mr. Hucks, against Mr. Harcourt, stating that he was a disaffected person; if he got into the House would go nigh to be speaker, and if he were put by, it would be of great service to the government; that the lords of the admiralty would protect the watermen and bargemen from being pressed, and if they desired it, they should have some of Lord Oxford's regiment, or no soldiers, if they pleased, quartered on them.

The committee resolved, "That Simon Harcourt, esq. is duly elected."

“ That Mr. Hucks’s petition is frivolous, vexatious, groundless, and scandalous.”

Which resolutions were agreed to by the House.

The house further resolved, “ That the proceedings of William Hucks, esq. in presuming to make use of the authority of government to the borough of Abingdon, in order to be elected a burgess for the said borough, is a scandalous reflection upon the government, and tends to subvert the freedom of election of members to serve in parliament.”

Ordered, “ That William Hucks, esq. be committed to the custody of the serjeant at arms.”

Nov. 2, 1705. A petition of Sir Simon Harcourt complaining that through the partiality of Joseph Spinnage, late mayor, in admitting many persons to poll who had no right, and through divers other indirect practices, a majority of votes was obtained for Grey Neville, esq; the mayor denying the petitioner a scrutiny though he had promised it.

There does not appear on the journals any report on this petition.

Nov. 24, 1708. A petition of William Hucks, esq. was read, shewing that at the election of a burgess for this borough, the petitioner and Sir Simon Harcourt were candidates; that Sir Simon by menaces, and by other illegal practices of himself and his agents, procured several votes for him, and several were admitted to vote for him who had no right; and that Sir Simon had prevailed with John Selwood, mayor of the said borough, to return him, though the petitioner was duly elected

by a majority of qualified and uncorrupt voters, and ought to have been returned instead of the said Sir Simon Harcourt.

A motion being made, and the question put, That Sir Simon Harcourt is duly elected, It passed in the negative.

Resolved on a division, "That William Hucks, esq. is duly elected."

The following passage extracted from Burgh's Political Disquisitions applies to this decision.

"Sir Simon Harcourt complains sadly of ill usage in his election for Abingdon, A. D. 1708, reflecting severely on the House, and the wicked arts used against him; insisting to the last, that he was the legal member, by a clear majority, by the most fair estimation."*

October 18, 1722. A petition of Sir John D'Oily, bart. against the return of Robert Hucks, esq. Another petition of James Jennings, esq. both claiming a right to have been returned instead of Mr. Hucks.

January 29. Mr. Jennings had leave to withdraw his petition.

March 3, 1723. Ordered that Sir John D'Oily, bart. have leave to withdraw his petition.

PETITIONS. March 3, 1774. Nathaniel Bayly, esq. petitioned against the return of John Mayor, esq.

There were two questions in this case.

1st. Whether the high sheriff of a county may be chosen for a borough within his county.

* Burgh, vol. 1. p. 294.

2d. Whether, if he be not eligible, on such notice as was given in the present case, the voters for him are thrown away, and the other candidate, who had a smaller number of legal votes, is duly elected: or whether it is a void election.

The committee negatived both these questions by declaring John Mayor, esq. ineligible to a seat within the county for which he was high sheriff, and that Nathaniel Bayley, esq. who had a minority of votes was not duly elected.

Election declared void and a new writ issued, March 6, 1772. Douglas,
vol. 1. p.
419.

Nov. 20, 1780. Petition of Thomas Wooldridge, esq. alderman of London against the return of John Mayor, esq.

Feb. 2, 1781. Committee appointed.

Feb. 6. John Mayor, esq. reported duly elected. Troward
Appendix.

CORPORATION.

This consists of a mayor, two bailiffs, nine aldermen, and sixteen assistants.

RIGHT OF ELECTION.

The electors, according to national right and justice, are the inhabitants paying scot and lot, and not receiving alms or any charity. (Jan. 18, 1680, and Jan. 8, 1689.)

NUMBER OF VOTERS—500.

RETURNING OFFICERS—the Mayor and two Bailiffs.

POLITICAL CHARACTER.

This is one of the few boroughs over which

aristocratical influence or corruption has not yet been able to extend its control—a circumstance which is owing most probably to the two following causes: first, the borough sending only one representative, has only half the temptation for an opulent neighbour to enslave it; and secondly, the freedom of its elective constitution, which seems thus to defy all arbitrary encroachment. For, though it was chartered so late as Philip and Mary, and its corporation and representative power vested in the select body, yet, by the exertion of its inhabitants, they have not only obtained the constitutional right of electing the members by the inhabitants at large, but likewise of electing their mayor and magistrates, which is the only security of their independence, and which a self-elected corporation would have long since subverted.

READING.

READING, a borough and market town, in the hundred of Reading, Berks, is situated on the river Kennet, which joins the Thames a little below the town, 37 miles from London. It consists of three parishes, and contains 1,751 houses and 9,742 inhabitants, viz. 4,642 males and 5,100 females, of whom 2,496 were returned as being employed in trade. The Kennett in passing through the town, exclusive of the main stream, has two branches which fall into it, on which are several considerable flour mills.

From this town great quantities of corn, flour,

and timber, are conveyed hence to London by barges. Its principal manufactures are sacking, sail-cloth, blankets, ribbons, and pins. The principal market days are on Wednesdays, for provisions, poultry, fruit, vegetables, &c.; and on Saturdays, for corn, cattle, and provisions. Its fairs are Candlemas day for horses, May day for horses and cows, and on St. James's and St. Matthew's days for all kinds of cattle and goods, and on the latter a statute fair.

REPRESENTATIVE HISTORY.

PETITIONS. The construction of the word "Commonalty" will appear from the journals in the several petitions which relate to this borough to have the most extensive meaning, and is not confined to a corporation, or any select, or partial description of persons in a place, as contended by Doctor Brady; but comprehends all the inhabitants, who have not disqualified themselves by receiving charity.

May 23, 1685. A petition of Sir William Rich, and Sir Henry Fane, and a petition of Samuel House and other freemen and inhabitants of this borough, complaining of the undue return of John Breedon, and Thomas Coates, esqrs.

Resolved: "That John Breedon, and Thomas Coates, esqrs. are not duly elected."

"That the said election is void, a new writ ordered."

December 12, 1698. A petition of Sir Thomas Stamp, Knt. against the return of Sir Owen Buckingham and John Dolby, esq.

Renewed the 15th of December; but not being the same in substance with the petition presented the last session,

Ordered: "That the Committee do not proceed any further with the said petition."

February 14, 1700. A petition of Tanfield Vachell, esq. complaining of the election of Francis Knowles, esq. who had been returned with Sir Owen Buckingham.

A similar petition from the freemen, and from some of the inhabitants paying scot and lot, and other householders not paying scot and lot.

No determination upon the journals.

November 23, 1708. A petition of Sir William Rich, bart. against the return of Sir Owen Buckingham, and Anthony Blaggrave, esq.

A similar petition from the inhabitants paying scot and lot, claiming the right of election in themselves, exclusive of the freemen of the said borough.

Resolved: "That the right of electing burgesses for this borough, is in the *freemen* and *inhabitants*; such freemen not receiving alms, and such inhabitants paying scot and lot."

Resolved: "That Anthony Blaggrave, esq. is duly elected."

March 3, 1713. A petition of Owen Buckingham, esq. against the return of Robert Clarges, esq. being a minor, and Felix Calvert, esq.

April 26, 1714. Petition withdrawn.

March 30, 1715. A petition of divers inhabitants paying scot and lot, denying the right of the freemen to vote in elections for the said borough,

and against the return of Robert Clarges, and Felix Calvert, esqrs. shewing that William Cadogan, esq. was duly chosen.

The committee resolved, contrary to the decision in 1708,

“That the right of election of burgesses for this borough is *only* in the *inhabitants* paying scot and lot.”

Upon hearing the further merits of this petition, several acts of bribery were proved against the sitting members, and William Cadogan, esq. the petitioner not having a majority of votes, the committee resolved,

“That Robert Clarges, esq. is not duly elected.”

“That Felix Calvert, esq. is not duly elected.”

“That William Cadogan, esq. is not duly elected.”

Resolved: “That the said election is void.”

To all these resolutions the house agreed; Mr. Hamden being chairman of the committee: it appeared by the evidence that Mr. Cadogan was not at Reading at the time of the election, and that most of the bribed voters, on each side, were only freemen, and not inhabitants paying scot and lot.

June 19. A petition of Felix Calvert, esq. against the return of Charles Cadogan, esq. and Owen Buckingham, esq.

No determination on the journals.

October 18, 1722. A petition of Charles Cadogan, esq. and Richard Thompson, esq. against the return of Anthony Blagrove, and Clement Kent, esqrs.

No determination on the journals.

This town sent members *ab origine temporis* Edward I. and never discontinued.

CORPORATION.

This consists of a Mayor, twelve Aldermen, and twelve Burgesses, who have a Town Clerk, and other officers.

RIGHT OF ELECTION.

December 2, 1708—in the Freemen and Inhabitants; such freemen not receiving alms, and such inhabitants paying scot and lot.

May 30, 1716—in the Inhabitant Householders only, paying scot and lot.

RETURNING OFFICER—the Mayor.

POLITICAL CHARACTER.

This borough, like Abingdon, has not yet been subjected to the arbitrary influence of any opulent individual. Corruption, indeed, has been said to have had its influence on former occasions; but, as it has not yet been reduced to a system within the borough, or produced any convictions in the House of Commons, or in the courts of justice, it is far from us to attribute to it any undeserved delinquency; for it is equally the intention of this work to praise public integrity, as to expose national injury. It may here be therefore observed, that its present representatives, are gentlemen of independent connexions, and whose interest in this borough exists entirely in the good opinion of the electors.

It must however be here noticed that, although the borough is not immediately under the controul of any individual, yet the same cannot be said to have been always the praise of its representatives; for, in the pension parliament, Sir Francis Dolman, one of its members, appeared to have a pension of £200 and was assisted by the court in the fraudulent will, by which he obtained Quarles's estate, valued at £1600. He was then clerk of the council, worth £500 per annum, and had a promise of being secretary of state.*

WALLINGFORD.

WALLINGFORD is a borough and market town, consisting of four parishes, in the hundred of Moreton, Berks; containing 362 houses and 1744 inhabitants; situated on the banks of the Thames, 14 miles from Reading, and 46 from London. The bridge across the river leading to Oxford is a stately stone structure, 300 yards long, having 19 arches and four drawbridges. The town is very ancient, and the buildings low, of brick and tile.

The chief trade of this town is in the malting and corn, conveyed to London by water. The market is on Tuesday and Friday; fairs, Thursday before Easter, 24th June, 29th September, and 17th December. The church of St. Leonard is a rectory, rated at 7*l.* 12*s.* 6*d.* and is united with Satwell; St. Mary's is a rectory, rated at 4*l.* and both are in the patronage of the crown; St. Peter's

* Burgh, vol. i. 392.

is a rectory, value 6*l.* 1*s.* 3*d.*; All-saint's has no church, and is a sinecure belonging to Pembroke college, Oxford.

REPRESENTATIVE CHARACTER.

Carew,
p. 204.

This borough sent members *ab origine*, and has continued, without intermission, to the present time.

June 25, 1602. Resolved and ordered, "That from and after the present parliament, no mayor, of any city, borough, or town corporate, shall be elected, returned, or allowed, to serve as member of this house; and, if it did appear that any mayor were returned a burgess, that a new writ should be awarded for the choice of another in the room and place of the said mayor; and this to continue an act and order of the house for ever."

Feb. 15, 1620. "That the election of Mr. Dunch and Mr. Anthony Barker, to serve for this borough, is void, and that a new writ do issue."

July 31, 1660. "That Thomas Saunders, esq. had a greater number of voices than Sir Humphry Bennet, and that, therefore, the said Mr. Saunders is duly elected."

Nov. 2, 1680. A petition of John Stone, esq. touching the election for this borough.

No determination appears.

May 23, 1685. A petition of Richard Skinner and others, against the return of John Stone and John Holloway, esquires.

No determination appears.

January 22, 1688. A petition of John Dormer, complaining of an undue return.

A petition of William Jennings, esq. complaining of a double return.

Mr. Tipping and Mr. Jennings were in one return, and Mr. Tipping and Mr. Dormer in the other.

It was proved, that several soldiers entered the town at the time of election, and threatened the mayor to cut off his ears if he did not return Mr. Dormer.

Resolved: "That the right of election is in the inhabitants of the said borough, paying scot and lot; and no others."

"That William Jennings, esq. was duly elected with Mr. Tipping."

January 3, 1701. A petition of William Dunch, esq. complaining of the return of William Jennings, and Thomas Renda, esquires.

No determination appears.

Nov. 2, 1705. A petition of Thomas Renda, esq. complaining of the return of William Jennings and Clement Kent, esquires.

No determination appears.

March 1, 1708. A petition of Edward Leigh, esq. complaining, that, upon the decease of Mr. Jennings, he was duly chosen, but that Mr. Blackall, an attorney, got into possession of the office of mayor, contrary to the charter, and returned Thomas Renda, esq.

Nov. 16, 1709. Petition renewed.

Upon hearing the merits of this petition, the committee resolved, contrary to the former decision in 1688,

"That the right of election for this borough is in

the *mayor, aldermen, bailiffs, and eighteen assistants*, together with the inhabitants of the said borough paying scot and lot, and not receiving alms or charity."

"That Thomas Renda, esq. is duly elected."

March 31, 1714. A petition of Henry Grey, esq. complaining of the return of Thomas Renda, esq.

No determination appears.

March 26, 1715. A petition of Richard Bigg, esq. against the return of William Hucks, esq. for bribery and other undue practices.

January 15, 1716. Petition withdrawn.

December 11, 1719. A petition of Gilbert Douglass, esq. against the return of Henry Grey, alias Neville, esq.

January 15, 1720. Petition withdrawn.

October 25, 1722. A petition of John Dormer, esq. against the return of the Hon. George Parker and William Hucks, esq.

Nov. 7. Petition withdrawn.

CORPORATION.

This was chartered by James I. and consists of a mayor, recorder, two bailiffs, six aldermen, and eighteen burgesses or assistants, who possess the rents and profits of the manor, fairs, and markets, by virtue of a lease from the crown. The mayor and six aldermen are the justices of the peace within the borough.

RIGHT OF ELECTION.

This is in the Corporation and Inhabitants paying scot and lot, and receiving no alms (Dec. 15, 1709).

NUMBER OF VOTERS—140.

RETURNING OFFICER—the Mayor.

POLITICAL CHARACTER.

This borough is not under the influence of a patron ; but corruption has long obtained in it a systematic establishment. The price of a vote is forty guineas ; and the character, or the political principles, of a candidate are never very severely scrutinized where such a custom prevails. We are sorry that our duty obliges us to say, that this kind of election-traffic is not confined to this place, but notoriously extends to the major part of the boroughs throughout Great Britain, and has been acknowledged by a cabinet minister, in the House of Commons, to be—as glaring as the sun at noon day!!!—A practice which, the speaker of the House of Commons observed, would have appalled our ancestors with horror ! But we shall have occasion to enter more at large into this subject when we come to those places whose delinquency have brought on them public shame and inevitable punishment.

WINDSOR.

WINDSOR is a borough and market town, situated on the Thames, 22 miles from London. It contains 507 houses and 3361 inhabitants, viz. 1458 males and 1903 females. This town has belonged to the crown ever since the Conquest, and has of late been much improved ; it contains

several good streets, and many handsome buildings; but its chief pride is its castle, which, for more than 700 years, has been the favourite country residence of the British kings. The market is held on Saturday, in the area beneath the town-hall, and is well supplied with all kinds of provisions, fish, &c. Its fairs are on Easter Tuesday, the 5th July, and 24th October.

REPRESENTATIVE HISTORY.

Carew,
p. 256.

This town began to return members to parliament in the 30th year of Edward the First, and continued to send until the 14th of Edward the Third, when it intermitted sending until the 25th of Henry the Fourth. Since that time, it has been regularly represented.

December 8, 1640. Mr. Maynard reports, that there was a competition between Sir Thomas Roe and Mr. Waller, who were returned burgesses for this borough, and Mr. Holland and Mr. Taylor (since dead), who pretend they were elected, though not returned.

Question was; whether the inhabitants in general, or the mayor, bailiffs, and select number of burgesses only, should have power of election?

This place sent members to parliament the 30th of Edward the First, but was not incorporated till the reign of Edward the Fourth. In his time, and in that of Henry the Eighth, the return was made by the mayor, bailiffs, and burgesses; but antecedent to that period, and in later times, the return has been made by the mayor, bailiffs, and *commonalty*.

Resolved: "That all the inhabitants of this borough have all generally the right of election of burgesses to serve in parliament."

April 27, 1660. There was a double return; one by the corporation, the other by the inhabitants at large.

July 6, 1661. Resolved: "That the mayor, bailiffs, and burgesses, not exceeding the number of thirty, had alone the right of election; and that sir Richard Braham, knt. and Thomas Higgins, esq. who were elected and returned by the mayor, bailiffs, and burgesses, not exceeding the number of thirty, were duly elected, and ought to sit."

Whereto the house agreed.

March 19, 1678. A petition of Richard Winwood, and Samuel Starkey, esqrs. complaining of an undue return of sir John Ernle, knt. and John Powney, esq. to serve in the present parliament for this borough.

Sir Thomas Meres reports that the committee resolved: "That the mayor, bailiffs, and burgesses, not exceeding thirty, have *not* the right of electing members for this borough."

2nd, "That this borough has a right to send burgesses to parliament by prescription."

3rd, "That all the inhabitants of the said borough have a right of electing members to serve in parliament."

4th, "That Sir John Ernle, and Mr. Powney, are not duly elected."

5th, "That Mr. Winwood and Mr. Starkey are duly elected."

October 25, 1680. A petition of Richard Winwood and Samuel Starkey, esqrs. was read.

November 4, 1680. Resolved, "That in the borough of New Windsor, those inhabitants only who pay scot and lot have a right to vote in the election of burgesses to serve in parliament for the said borough."

"That Richard Winwood and Samuel Starkey, esqrs. are duly elected."

Agreed to by the house.

A petition of Charles Adderley, esq. against the return of the right honourable Henry Powle, and another of Sir Algernon May, against the election of Sir Christopher Wren,

May 2, 1689. Colonel Birch reported—

That the question between Mr. Adderley and Mr. Powle, appeared to be, whether the right of election was in the mayor, bailiffs, and burgesses, or in the inhabitants.

That the committee had resolved, That the right of election is in the mayor, bailiffs, and a select number of burgesses only.

That Henry Powle, esq. is duly elected.

The numbers being equal between Sir Algernon May, and Sir Christopher Wren, the election as to them was declared void.

The said resolutions being twice read, were agreed to by the house, and a new writ was ordered to issue.

March 22nd. A petition of Sir Charles Porter and William Adderley, esq. was read; and another petition of the inhabitants of this borough

was also read; shewing, that a precept being directed to the mayor of this town, and a day being appointed for the election of burgesses, the petitioners, being the general burgesses and inhabitants, appeared at the Market Cross, and elected Sir Charles Porter and William Adderley, esq. for their members; that notwithstanding, the mayor had taken upon him unduly to return Baptist May, esq. and Sir Christopher Wren, and praying, &c.

May 16, 1690. The committee resolved, "That the right of election of burgesses to serve in parliament for this borough is in the mayor, bailiffs, and select number of burgesses only."

"That Sir Christopher Wren, and Baptist May, esq. are duly elected."

"The said two resolutions being read, were disagreed to by the house."

Resolved: "That Sir Charles Porter and William Adderley, esq. are duly elected."

March 26, 1715. A petition of Sir Henry Ashurst, and Samuel Travers, esq. against the return of Christopher Wren and Robert Gayer, esqrs.

The right of election was agreed to be in the inhabitants paying scot and lot.

Resolved: "That Mr. Wren and Mr. Gayer are not duly elected."

"That Sir Henry Ashurst and Samuel Travers, esq. are duly elected."

The said resolutions were agreed to by the house.

May 23, 1737. On a new hearing for New Journals.

Windsor. The standing order made on the 16th of January, 1735, for restraining counsel from offering evidence, touching the legality of votes contrary to the last determination of the house, concerning the right of election for the said borough, made the 2d of November, 1680, which was then resolved to be in the inhabitants only who pay scot and lot.

Peckwell,
v. 2, p. 187.

PETITIONS. A petition of Richard Ramsbotham, esq. against the return of the honourable Fulk Greville and John Williams, esq. for bribery and treating.

Committee appointed 9th Feb. 1802.

Reported 15th February, "That Mr. Greville was duly elected."

"That Mr. Williams was not duly elected."

"That Mr. Ramsbotham was not duly elected."

"That it appears to this committee, that, at the last election for the borough of New Windsor, John Williams, esq. hath, by his agents, committed acts of bribery and treating, whereby he is incapacitated to serve in parliament upon such election."

"That Richard Ramsbotham, esq. hath by his agents, committed acts of bribery."

No further proceedings took place in the house with respect to the latter resolutions.

CORPORATION.

This, according to the present charter, granted anno 1 James II. 1685, consists of a Mayor, two Bailiffs, twenty-eight Burgesses, who are chosen out of the principal inhabitants, thirteen of whom

are called fellows or benchers of the guildhall. From among these last, ten are chosen, and styled aldermen, out of which the mayor and two bailiffs are then to be elected.

RIGHT OF ELECTION

Is in all the inhabitants paying scot and lot : 4th Nov. 1680.

NUMBER OF VOTERS—300.

RETURNING OFFICER—the Mayor.

POLITICAL CHARACTER.

The castle interest returned both members for this borough from the memorable contest in 1780, between Admiral the honourable Augustus Keppel, afterwards Lord Viscount Keppel, and Peniston Portlock Powney, esq. till 1804 ; when Mr. Ramsbotham opposed the royal interest, and he has brought in one member ever since.

COUNTY OF BUCKINGHAM.

BUCKINGHAMSHIRE—an inland county, is bounded on the north by Northamptonshire, on the east by Bedfordshire, Herefordshire, and Middlesex, on the west by Oxfordshire, and on the south by Berkshire, from which it is separated by the river Thames. Its shape is oblong, being about 50 miles in the greatest extremity, and

its greatest breadth about 16 miles, being about 518,400 acres of land, of which 352,000 acres were stated to be arable, and about 170,000 acres pasturage, with about 5,000 acres of waste, fit for cultivation. It contains 20,443 houses, and 107,444 inhabitants, being 52,094 males, and 55,350 females, of whom 20,138 were returned as being employed in trade, manufacture, and handicrafts, and 25,083 in agriculture. It has fifteen market towns, viz. Buckingham and Aylesbury; the county towns, Amersham, Beaconsfield, Chesham, Colnebrook, Ivingho, Newport-Pagnell, Olney, Risborough, Stony Stratford, Wendover, Wycombe, Winslow, and Great Marlow; and 185 parishes. It is divided into eight hundreds, viz. Ashendon, Aylesbury, Buckingham, Burnham, Cottlesloe, Desborough, Newport, and Stoke. It is included in the Norfolk circuit, and lies in the diocese of Lincoln, and province of Canterbury. Its principal rivers are the Thames, Ouze, and Colne. The chilterns, which form a part of this county, are appropriated chiefly to the cultivation of barley, and the greatest part of the vale is devoted to the grazing of cattle and feeding of sheep, a source of much opulence to the landholders, and the dairies supply vast quantities of butter to the metropolis. Fine wheat and other grains are grown in the uplands. The woods produce great quantities of beech. The manufacture of bone lace is carried to greater extent and perfection in this than any other county, particularly about Newport-Pagnell.

REPRESENTATIVE HISTORY.

Buckinghamshire is rendered memorable in the political world by a contested election which happened in the year 1604, in the reign of James I. The parties were Goodwin and Fortescue. Goodwin was declared in the House of Commons duly elected. The lords desired a conference. The commons having expressed their surprise, the lords ascribed this interference to the king; the commons, therefore, begged his majesty would be tender of their privileges. The king insisted upon their holding a conference with the judges, if they would not with the lords. The commons declared themselves ready to confer with the lords on any proper subject where their privilege was not concerned.

The reason that the king interested himself in this election was, that he thought his advice not to elect any outlaw was despised, by the House declaring Goodwin duly elected. The commons, attended by the speaker, waited on the king, and informed him that Goodwin's election was duly carried on, and, consequently, Fortescue's was void; that the outlawries against Goodwin were only for debt; that he had sat unquestioned in several parliaments since the outlawry; and that besides it was not strictly pleadable, because of deficiencies in formality. The king insisted upon a conference between the commons and judges, and that the result be reported by the house to his privy council. The commons proposed to make a law that no outlawed person hereafter sit

in the House, and to confer with the judges, not to reverse what they had done, but that they might profit by the judges' learning, and satisfy the king. Finding the king, however, resolute, a committee was appointed: and the House ordered that the said committee should only insist on the support and explication of the reasons already given, and not proceed to any other argument or answer. Shameful flattery to the king, however, is asserted by some to have degraded Sir Francis Bacon on this occasion; and it was observed that no such concession had been made by the commons to any king since the Conquest. It was disputed whether the House of Commons could properly be called a court of record. The king proposed that neither Goodwin nor Fortescue should sit in the house, and it was accordingly resolved that a new writ should be issued for Bucks. Goodwin voluntarily resigned his claim in a letter to the speaker.

Carew,
p. 102.

May 23, 1685. A petition of Thomas Hacket, complaining of the undue election and return of Thomas Wharton, esq.

No determination.

Journals,
v. xvi. p. 80.

Another petition, March 12, 1727.

The sitting member declared duly elected.

Luders,
v. ii. p. 523

PETITIONS. April 4, 1785: the Right Hon. Ralph Earl Verney, of the kingdom of Ireland, and certain freeholders in his interest, petitioned against the return of John Aubrey, esq. for this county, it having been obtained by illegal means. Mr. W. Grenville, who was returned with Mr. Au-

brey, was not made a party to the petition, his return being unquestioned.

The numbers on the poll were—For the Right Hon. Wm. Wyndham Grenville 2261

John Aubrey, esq. 1740

Right Honourable Earl Verney . . 1716

After the petitions had been read, a dispute arose respecting the mode of proceeding, *i. e.* whether by separate hundreds, or through the whole county. The committee determined the petitioner to go through the whole of this case.

The trial was only carried on for six days. On Monday, April 11, the petitioner's counsel having made two objections, the committee determined against them, and formally declined any further proceeding against the sitting member. These objections were to the votes of a sub-distributor of stamps, and a collector of the window tax. Mr. Aubrey was hereupon declared duly elected.

POLITICAL CHARACTER.

The Marquis of Buckingham has the absolute nomination of one member for this county. The other seat was contested in 1784, as mentioned in our representative history. The principal interest, next to the Marquis of Buckingham, is between the Earl of Chesterfield, Lord George Cavendish, Lord Viscount Hamden, Sir John Aubrey, Sir John Dashwood King, and Richard Lowndes, esq. one of the present members.

BUCKINGHAM.

BUCKINGHAM, the county town of Buckinghamshire, $16\frac{1}{2}$ miles from Aylesbury, and 57 from London by Uxbridge, is seated on the river Ouze, in a very low ground, over which it has three stone bridges; it contains 531 houses and 2,605 inhabitants, being 1,180 males and 1,425 females, of whom 313 only were returned as being employed in trade and manufacture. This includes the hamlets of Barston, Gawcot, and Lenborough. The town consists of one long street, the houses being meanly built, and many of them thatched. There is very little trade or manufacture here, except lace-making, in common with almost the whole county. The town is a great thoroughfare to Chester, Ireland, &c. Market-day on Saturday, very well attended. Fairs, Monday se'nnight after old Twelfth-day, March 7, May 6, Thursday in Whitsun week, July 10, September 4, October 2, and November 8.

REPRESENTATIVE HISTORY.

Buckingham is a very ancient borough. It was however so inconsiderable, at the Roman Conquest, as, according to Domesday-book, to have paid only for one hide of land; and it had only 26 burgesses in the time of Edward the Confessor. This town is said, by Willis, to have been the only borough in the county at the time of the Conquest. It never sent members to parliament before the last of Henry VIII. according to the

principle of giving this privilege to boroughs by charter. But it sent to the national assembly or council, as a trading borough, so early as 11 Edw. III. when only the chief towns of trade were summoned: no knights of the shire were convened to this council. In the 27th of the said king, it was summoned, but made no return, and thus discontinued to send until the 36th Henry VIII. as above mentioned.

In 1660, Francis Ingoldsby, esq. petitioned against the return of John Dormer, esq. Carew,
p. 96.

Sir Edward Turner reported that the question was, whether the bailiff and twelve burgesses, or the freemen at large, had right to elect members.

Resolved, "That the bailiff and twelve burgesses had right to elect."

"That John Dormer, esq. and Sir Richard Temple, who were chosen by the bailiff and twelve burgesses, were duly elected. To which the House agreed."

March 19, 1678. A double return: Lord Viscount Latimer and Sir Peter Tyrrell by one indenture, and Lord Viscount Latimer and Sir Richard Temple by a second.

The first determined to be well and duly returned.

October 25, 1680. A petition of Sir Peter Tyrrell, bart.

March 24, 1681. A petition of Sir Peter Tyrrell, bart. and Charles Blount, esq.

No determination.

May 23, 1685. A petition of Lord Latimer

and George Grenville, esq. against the return of Sir Richard Temple and Sir Ralph Verney.

Nov. 19, dismissed; the petitioners neglecting to prosecute their claim.

January 22, 1688. A petition of Sir Peter Tyrrell, bart. and Richard Atkins, esq. against the return of Sir Richard Temple and Sir Ralph Verney to the convention.

Resolved, "That Sir Richard Temple and Sir Ralph Verney are duly elected."

October 6, 1690. A petition of Sir Richard Atkyns and Sir Peter Tyrrell, baronets, and of John Rogers and several others of the burgesses and inhabitants of this borough; setting forth that Sir Richard Atkyns and Sir Peter Tyrrell were duly chosen by the burgesses and inhabitants, who have a right to elect, but Sir Richard Temple and Alexander Denton, esq. are returned as duly chosen by the twelve burgesses, exclusive to the rest of the burgesses and inhabitants, in injury to the petitioners, and violation of the rights of the borough, and praying the consideration, &c.

A petition of the inhabitants of the said borough was read: that this borough had a right to send members to parliament before the present incorporation; that the petitioners, in pursuance of such their right, with many others, were at the last election, on the 19th of February, 1689, and then tendered their voices, and demanded a poll of the bailiff, who denied the same, and confined the election to himself and twelve burgesses, in

injury to the petitioners; and praying the consideration of the House, that the election may be made void, and a new one granted, that the petitioners may be allowed their voices.

Resolved: "That the right of election of burgesses to serve in parliament for this borough is in the bailiff and twelve burgesses of this borough only."

"That Sir Richard Temple, K. B. bart. and Alexander Denton, esq. are duly elected burgesses to serve in this present parliament for the said borough."

Nov. 29, 1695. A petition of divers inhabitants, on behalf of themselves and others, setting forth that this borough is a borough by prescription, and that Sir Richard Atkyns and James Tyrrell, esq. were unanimously chosen members, to serve in the present parliament, by the inhabitants of this borough; that the bailiff and twelve capital burgesses have, without the consent of the inhabitants, taken upon them to return Sir Richard Temple and Alexander Denton, esq. as representatives for the said borough, to the manifest prejudice of the petitioners' right, and praying, &c.

Petition withdrawn.

March 3, 1713. A petition of Sir Richard Temple and Sir Edmund Denton, barts. was read against the return of Thomas Chapman, esq. and John Radcliffe, M. D.

Upon the whole the committee resolved,

"That Thomas Chapman, esq. and John Radcliffe, M. D. are duly elected burgesses to serve in this present parliament for this borough."

The said resolutions being twice read, were agreed to by the House.

March 26, 1715. A petition of Thomas Chapman, esq. was read, shewing that, at the last election for this borough, Alexander Denton, Abraham Stanyon, esqrs. and the petitioner, were candidates; that the bailiff refused several good and legal votes for the petitioner; and admitted several others for Mr. Stanyon who had no vote; and returned Mr. Stanyon, to the prejudice of the petitioner, and praying, &c.

May 11. Petition withdrawn.

CORPORATION.

In the time of Edward III. this town had a mayor and three bailiffs; but being decayed in its trade and consequence, it had afterwards only one bailiff, and was by charter (1 Mary) re-incorporated by the style of a bailiff and twelve capital burgesses, who were by Charles II. changed into a mayor and aldermen. This however lasted only four years, and being then revoked, the old establishment took place again, and so continues.

NUMBER OF VOTERS—13.

RETURNING OFFICER—the bailiff.

POLITICAL CHARACTER.

This town, although it gives name to the county, is of the utmost insignificance, and comes exactly under the description of a *rotten borough*. It possessed great opulence, and was the county town, where the assizes were held, until, by the partiality of lord chief justice Bald-

win, who bought the manor in the reign of Henry VIII. the county gaol, assizes, and county business were removed to Aylesbury.

The corporation consists entirely of the friends and dependents of the Marquis of Buckingham, who has the sole and absolute disposal of the borough.

AYLESBURY.

AYLESBURY, a borough and market town in the hundred of Aylesbury, Bucks, is 17 miles from Buckingham, and 39 from London, on a branch of the Thames; and contains 679 houses and 3,186 inhabitants, of whom 408 were returned employed in trade and manufacture. The country round, though low, is extremely fertile. The vale of Aylesbury, a large tract of land, extending for many miles, almost from Tame, on the borders of Oxfordshire, to Leighton in Bedfordshire, is reckoned the richest land in England, and feeds an incredible number of sheep. The streets lie round the market-place, in the middle of which is a convenient hall, where the quarter sessions and Lent assizes are held. Lace-making is carried on here to a great extent. The market on Saturday is well supplied with all kinds of provision.

REPRESENTATIVE CHARACTER.

The representative history of this town is the most important in the annals of Parliament, as it involves the famous cause of Ashby and White, being a contest between Law and Privilege, which

produced so serious a difference between the two Houses, as obliged the Queen to prorogue the Parliament.

Ashby had brought an action against White and others the constables, who are returning officers of this borough, for not receiving his vote. The House of Commons considered the interference of a court of law in a question which concerned the right of election as a breach of their privilege, and ordered all the parties concerned therein, counsel, attorney, and others, to be taken into custody. Lord Chief Justice Holt was also ordered to attend the House; but disregarding the summons, the Speaker was directed to proceed with the mace to the Court of Queen's Bench, and command his attendance upon the House. The Chief Justice is said to have replied, "Mr. Speaker, if you do not depart from this Court, I will commit you, though you had the whole House of Commons in your belly."

Since this time, actions have been frequently brought by voters against returning officers for refusing to receive their votes being duly qualified, and verdicts have been obtained.

In 1784, Sargent brought an action against Milward, mayor of Hastings, for refusing his vote, which he tendered at the election for Sir Godfrey Webster and Sir Stephen Lushington, and though his vote would have had no influence upon the return, Sir Godfrey Webster and Sir Stephen Lushington having only a small minority of votes; the jury, which was special, gave him a verdict, with two hundred pounds damages, at the sum-

mer assizes for the county of Sussex, in the same year.

The bribery case in 1814, when the right of voting was extended by act of parliament to the freeholders of the hundred of Aylesbury, forms another prominent feature in the history of this borough.

This borough, within the county of Buckingham, was incorporated by Queen Mary in the year 1553, and sent representatives to Parliament next year. Dr. Willis writes, they were chosen by the bailiff, 9 aldermen, and 12 burgesses; but by neglect of keeping up the community, the corporation became dissolved: after which, in the 14th and 28th of Elizabeth, the lords of the manor made the returns. Carew, p. 7.
Willis, v. 1.
p. 108.

PETITIONS. June 2, 1685. A petition from Sir Thomas Lee, bart. but never heard.

April 28, 1691. A petition from James Herbert, esq. against the return of Mr. Simon Mayne.

Resolved: "That Simon Mayne, esq. is duly elected."

Nov. 25, 1695. A petition of Simon Mayne, esq. against the return of Mr. Herbert, who is returned with Sir Thomas Lee.

Resolved: "That the right of election of burgesses to serve in Parliament for this borough is in all the householders of this borough, not receiving alms."

"That James Herbert, esq. is duly elected a burgess to serve in this present Parliament for this borough; which was agreed to by the House."

Dec. 12, 1698. Petitions from Simon Mayne,

esq. Richard Cockman, and other inhabitants, on behalf of the said Simon Mayne, esq. were read against the return of Mr. Herbert.

No determination.

Dec. 16. A petition from Robert Dormer, esq. against the return of Sir Thomas Lee.

No determination.

December 22, 1698. A petition of Richard Heywood, and other inhabitants, against the return of Sir Thomas Lee.

Resolved, "That James Herbert, esq. is duly elected."

"That Sir Thomas Lee, bart. is not duly elected."

"That Robert Dormer, esq. is duly elected."

The last resolution passed in the negative; and a new writ was ordered.

March 6, 1698. A petition of Sir Thomas Lee, bart. against the return of Robert Dormer, esq.

No determination.

January 3, 1701. A petition of Simon Mayne, esq. was read, as also one from Richard Cockman and other inhabitants of this borough, complaining against the constables arbitrarily rejecting legal votes.

No determination.

Oct. 26, 1702. The petition of Thomas Cockman was again read.

No determination.

Dec. 8. Ordered, "That the inhabitants of the borough of Aylesbury have leave to withdraw their petition touching the election of the said borough."

The famous Cause of Ashby and White.

Jan. 17, 1703. Ordered, some members to be appointed to search the Journals of the House of Lords, as to their proceedings upon a writ of error in a cause between Matthew Ashby and William White, and report the same to the House.

— 18. Ordered: “That the same members do search the offices of the Queen’s Bench for the record of the judgment, and all the other proceedings in that cause, and report the same.”

— 20. “Ordered to be reported to-morrow morning.”

— 21. Mr. Freeman reported, That the committee had searched the Lords’ Journals, and found as follows.

“December 6, 1703. The Lord Chief Justice brought into the House a writ of error, wherein Matthew Ashby is plaintiff, and William White and others are defendants.”

“January 14. After hearing counsel on the writ of error depending in this House, wherein Matthew Ashby is plaintiff, and William White and others are defendants, and debate thereon, question put, to adjourn till to-morrow—Negatived.—Question—Whether the judgment should be reversed—passed in the affirmative.”

Mr. Brewer reported, “That the Queen’s Bench had been searched for the judgment and proceedings in this case, and a copy thereof was obtained.”

The copy being laid before the House, it appeared to be an action brought by Matthew Ashby, esq.

against William White and others, late constables of Aylesbury, for refusing their votes at the late election of members to serve in parliament for the said borough; upon which the said Matthew Ashby obtained a verdict, but the Court of Queen's Bench gave judgment for the defendants. Upon this a writ of error was brought, and the plaintiff obtained judgment in Parliament.

Jan. 25. This day the House resolved itself into a committee, to take into consideration the report of the Lords' Journal touching the proceedings on a writ of error in the case between Ashby and White and others, &c. when the matter was fully debated, (see the debate at large in the State Trials, vol. viii. p. 89.) and the committee adopted the following resolutions, which were reported by Mr. Freeman on the 26th.

Resolved: "That, according to the known laws and usage of Parliament, it is the sole right of the Commons of England, in parliament assembled, (except in cases otherwise provided for by act of parliament,) to examine and determine all matters relating to the right of election of their own members."

Resolved: "That, according to the known laws and usage of Parliament, neither the qualification of any elector, nor the right of any person elected, is cognizable or determinable elsewhere than before the Commons of England in Parliament assembled, except in such cases as are specially provided for by act of parliament."

Resolved: "That the examining and determining the qualification of any elector or any person

elected to serve in parliament, in any court of law, or elsewhere, than before the Commons in England assembled, (except in such cases as are specially provided for by act of parliament,) will expose all mayors, bailiffs, and other officers, who are obliged to take the poll, and make a return thereupon, to multiplicity of actions, vexatious suits, and insupportable expenses, and will subject them to different and independent jurisdictions, and inconsistent determinations in the same case, without relief."

Resolved: "That Matthew Ashby having in contempt of the jurisdiction of this House, commenced and prosecuted an action at common law, against William White and others the constables of Aylesbury, for not receiving his vote at an election for burgesses to serve in Parliament for the said borough of Aylesbury, is guilty of a breach of the privilege of this House."

Resolved: "That whoever shall presume to commence or prosecute any action, indictment, or information, at common law, which shall bring the right of the electors, or persons elected to serve in Parliament, to the determination of any other jurisdiction than that of the House of Commons, (except in cases specially provided for by act of parliament,) such person or persons, and all attorneys, solicitors, counsellors, and sergeants at law, prosecuting, or pleading, in any such case, are guilty of a high breach of the privilege of this House."

These resolutions being read, the four first were agreed to by the House, but the last being read a

second time, an amendment was made by leaving out the words "common law" after the word "information," thereby making it general in all cases ; and then it was agreed to by the House.

Ordered : " That the said resolutions be fixed upon Westminster-hall gate, signed by the clerk."

Hereupon the lords published the state of the case on the writ of error, which see in the State Trials.

Nov. 21, 1704. A complaint made, that Robert Mead, attorney at law, had proceeded in the cause of Ashby and White and others, and taken the defendants in execution, in breach of the privilege of this House.

Ordered to be heard on Thursday, and that Robert Mead do then attend this House.

23rd. Order for hearing read, but deferred till Tuesday se'nnight, and that Robert Mead do then attend.

A further complaint was made, that several new actions had been brought (since the resolutions of last session of Parliament) by John Paty, John Oviatt, John Paton, junior, and Henry Basse, and prosecuted by the said Robert Mead, in breach of the privilege of this House, and was ordered to be heard on Tuesday se'nnight, and said John Paty, John Oviatt, John Paton, junior, and Henry Basse, do then attend, and copies of the original declarations be laid before the House.

24th. Ordered, that Daniel Horne, a plaintiff in one of the actions against the constables of Aylesbury, do attend on Tuesday se'nnight.

Dec. 5. The House proceeded, and the serjeant

at arms proved the service of orders on the persons who were to attend : but Mr. Mead not attending, a witness was examined, and proved Mr. Mead's proceedings in the five new actions, and the declarations were delivered in, and one of them read.

The several plaintiffs were called in and examined ; and the House resolved

“ That John Paty, of Aylesbury, has been guilty of commencing and prosecuting an action at common law against William White, and others, the late constables of Aylesbury, for not allowing his vote in the election of members to serve in Parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House ; and resolved the same of the other plaintiffs, and committed every one of them to Newgate !”

Resolved : “ That Mr. Robert Mead, has been guilty of soliciting and prosecuting (as attorney at law) divers actions at common law against William White and others, late constables of Aylesbury, for not allowing divers votes in the election of members to serve in Parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the privileges of this House, and ordered him into the custody of the sergeant at arms.”

The said persons continued in Newgate until the 1st of February, 1704.

February 1. Ordered, the keeper of Newgate do bring to-morrow to this House John Paty,

John Oviatt, John Paton, junior, and Henry Basse, committed by this House.

2nd. The said persons were brought and examined, and were remanded.

Michaelmas term, 1704. An habeas corpus was moved for in the Queen's Bench, by the said persons, and they were brought up; but the court, against the opinion of Chief Justice Holt, remanded them: whereupon, John Paty and John Oviatt petitioned the queen for a writ of error to bring this last proceeding of the court of Queen's Bench into Parliament.

24th. Thereupon the House resolved,

“That an humble address be presented to her majesty, humbly to lay before her majesty the undoubted right and privilege of the Commons of England in Parliament assembled, to commit for breach of privilege, and the commitments of this House are not examinable in any other court whatsoever, and that no such writ of error was ever brought, nor does any writ of error lie in this case; and that as this House has expressed their duty to her majesty in giving dispatch to all the supplies, so they have an entire confidence in her majesty's goodness and justice that she will not give leave for any writ of error in this case, which will tend to the overthrowing the undoubted rights and privileges of the Commons of England.”

Resolved: “That whoever has abetted, promoted, countenanced, or assisted, the prosecution of the several writs of the habeas corpus brought for the prisoners committed by this House, and since their

being remanded have endeavoured the procuring writs of error, are guilty of conspiring to make a difference between the Lords and Commons in Parliament assembled, are disturbers of the peace of the kingdom, and have endeavoured, as far as in them lay, to overthrow the rights and privileges of the Commons of England in Parliament assembled."

Ordered, "That a committee do enquire what persons have been concerned in soliciting, prosecuting, or pleading, upon the writs of habeas corpus, or writs of error, on behalf of the prisoners committed to Newgate for breach of the privilege of this House, or what other persons have abetted or promoted the same."

26th. Secretary Hedges reported the queen's answer to the above address.

"Her majesty is much troubled to find the House
"of Commons of opinion, that her granting the
"writs of error mentioned in their address is against
"their privileges, of which her majesty will be as
"tender as of her own prerogative; and therefore
"the House of Commons may depend her majesty
"will not do any thing to give them any just occasion of complaint; but this matter relating to
"the course of judicial proceedings being of the
"highest importance, her majesty thinks it necessary to weigh and consider very carefully what
"may be proper for her to do in a thing of so great
"concern."

Ordered, to consider this message to-morrow morning.

The Earl of Dorset reported from the committee

to examine what persons have been concerned in soliciting, prosecuting, or pleading, upon the writs of habeas corpus, or writs of error, &c. ; and it appeared to the committee that Mr. Alexander Denton moved for the habeas corpus, Sergeant Hook moved to shorten the day for the return, Mr. Francis Page, Mr. James Montague, Mr. Nicholas Leechmere, and the said Mr. Denton, pleaded on the return of the said writs ; that Mr. Montague and Mr. Leechmere attended as counsel at Lord Chief Justice Holt's chamber, to consider what entry to make on *remittitur* ; that the sergeant's messengers had endeavoured to serve Mr. Lee of Clement's Inn, but not meeting him, shewed his clerk the original order of summons, which he refused to read, or receive a copy thereof ; and that another messenger had personally summoned Mr. Harris ; but neither Mr. Lee nor Mr. Harris attended.

Resolved : " Mr. Lee of Clement's Inn having been summoned to attend a committee of this House, and not attending thereupon, is guilty of a contempt and breach of privilege of this House ; also that the like resolution in regard to Mr. Harris ; and ordered both of them to be committed to the custody of the sergeant at arms."

Resolved : " That Mr. F. Page, Mr. Montague, Mr. Denton, and Mr. Leechmere, in pleading on the return of the habeas corpus, on behalf of the prisoners committed by this House, are guilty of a breach of privilege of this House, and ordered them severally into the custody of the sergeant at arms." Also,

Ordered, that the several persons who were committed to Newgate, be removed into the custody of the sergeant at arms.

27th. The sergeant at arms acquainted the House that he had received the persons who were committed to Newgate, and had also taken Mr. Montague, but that he shewed a protection from the House of Lords, (upon the petition of the said persons,) by which the said Mr. Montague, Mr. Page, Mr. Denton, Mr. Harris, and Mr. Lee, were assigned counsel and attorneys for the said persons, and protected by the House of Lords, and that all officers, sergeants at arms, and other persons, were forbid to meddle with them: that Mr. Leechmere had escaped, Mr. Harris was in custody, and that Mr. Page and Mr. Denton were not to be found: whereupon a committee was ordered to search the journals of the House of Lords, what proceedings have been taken in this matter in that House.

28th. Mr. Bromley reported from the committee the proceedings in the House of Lords, viz.

February 26. Upon reading the petition of the persons, prisoners in Newgate, in relation to some proceedings for obtaining the writs of error, and praying amongst other things the protection of the House, it was ordered to consider the petition next day, and the judges to come prepared to speak to the point, whether a writ of error be a writ of right, or a writ of grace; and that the petitioners have notice, that if, when they send the names of their counsel and agents, and they desire to be protected, they shall have the protection of the House

for them. In pursuance of which order they sent the names of James Montague, Nicholas Leechmere, Alexander Denton, Francis Page, counsellors at law ; William Lee, John Harris, attorneys at law.

Whereupon the Lords ordered the said counsellors and attorneys to have the protection and privilege of the House, in the advising, applying for, and prosecuting, the said writs of error, and that all keepers of prisons, and gaolers, and all sergeants at arms, and other persons whatever, be strictly prohibited from arresting, imprisoning, or otherwise detaining or molesting them, any or either of them, as they and every of them will answer the contrary to this House. In the said report are also two petitions of the said persons to the Lords, which are printed at large in the State Trials, vol. viii., pp. 140, 141.

After this report the sergeant acquainted the House that Mr. Denton was taken into custody.

A message was then brought from the Lords to desire a conference in the painted chamber upon some ancient fundamental liberties of the kingdom, which was agreed to, and a committee appointed, who went, and being returned,

The Marquis of Hartington reported ; that the conference was managed by the Earl of Sunderland, who informed them, the conference was desired, to keep up a good correspondence between the two Houses ; that when either House has apprehended the proceedings of the other to be liable to exception, a conference has been the usual ancient parliamentary method, in order to lay open,

and debate the matter, to rectify what has been amiss, or that that House, which thought itself injured might be satisfied that the cause of the complaint was groundless : for this reason, the Lords have commanded the House to be acquainted, that on consideration of the petition of Daniel Horne, Henry Basse, John Paton, jun. and also on the petition of John Paty, and John Oviatt, complaining of their being imprisoned for about twelve weeks, by several warrants, signed by the speaker of the House of Commons, for commencing and prosecuting actions at common law against the late constables of Aylesbury, for not allowing their votes at an election of members to serve in Parliament, which actions they were encouraged to bring by reason of a judgment given in Parliament upon a writ of error brought in the last sessions, by one Ashby against White, and also representing what had been done by them in order to obtain their liberty ; and also on consideration of the votes of the House of Commons of the 24th inst. the House of Lords had found themselves obliged to come to several resolutions, which they had ordered to be communicated at this conference, viz.

Resolved by the Lords spiritual and temporal :

“ That neither house of parliament hath any power,
“ by any vote or declaration, to create to themselves any new privilege, that is not warranted
“ by the known laws and customs of Parliament.”

“ That every freeman of England, who apprehends himself to be injured, has a right to seek
“ redress by action at law, and that the commencing and prosecuting any action at common
“ law against any person not entitled to privilege of

“Parliament is no breach of privilege of Parliament.”

“That the House of Commons, in committing
“to Newgate Daniel Horne, Henry Basse, John
“Paton, jun. John Paty, and John Oviatt, for
“commencing and prosecuting an action at common law against the late constables of Aylesbury, for not allowing their votes in elections of members to serve in Parliament, upon pretence that their doing so was contrary to a declaration, a contempt of the jurisdiction, and a breach of the privilege of that House, have assumed to themselves alone a legislative authority, by pretending to attribute the force of a law to their declaration, have claimed a jurisdiction not warranted by the constitution, and have assumed a new privilege, to which they can shew no title by the law and custom of Parliament, and have thereby, as far as in them lay, subjected the rights of Englishmen, and the freedom of their persons to the *arbitrary votes* of the House of Commons.”

“That every Englishman, who is imprisoned by any authority whatever, has an undoubted right by his agents or friends, to apply for, and obtain a writ of habeas corpus, in order to procure his liberty by due course of law.”

“That for the House of Commons to censure or punish any person for assisting a prisoner to procure a writ of habeas corpus, or by vote or otherwise to deter men from soliciting, prosecuting, and pleading upon such writ of habeas corpus, in behalf of such prisoner is an attempt of dangerous consequence, a breach of the many good

“ statutes provided for the liberty of the subject,
“ and of pernicious example, by denying the ne-
“ cessary assistance to the prisoner, upon a com-
“ mitment of the House of Commons, which has
“ never been allowed upon any commitments what-
“ soever.”

“ That a writ of error is not a writ of grace but
“ of right, and ought not to be denied the subject
“ when duly applied for, though at the request of
“ either House of Parliament, the denial whereof
“ being an obstruction to justice, and contrary to
“ Magna Charta.”

That the Lords in these resolutions have expressed the regard and tenderness they always had, and will ever maintain for the people of England, and for the liberties of their persons, and also their zeal against all innovations to the prejudice of the known course of law, whereupon the happiness of our constitution depends, and hope upon recollection, the House of Commons will be of the same opinion in all the particulars resolved by the Lords, and agree with their lordships therein.

Ordered to be considered to-morrow.

March 1st. Considered the report of the conference, and ordered the managers to draw up what is proper to be offered at the next conference.

3rd. The Earl of Dysart, from the committee appointed to enquire of the persons concerned in soliciting, prosecuting, and pleading upon the writs of habeas corpus, or writs of error, on the behalf of the prisoners committed to Newgate, for breach of the privilege of this House, reported, that one Mr. Clifton had been summoned to attend the committee, but had not attended, and several sum-

mons' had been issued for Mr. Cæsar, one of the cursitors of London and Middlesex, in order to be examined in regard to the applications for making out writs of error in behalf of John Oviatt, &c. and though so summoned, had not obeyed the same.

Resolved: "That Mr. Clifton and Mr. Cæsar, having been summoned to attend a committee of this House, and not attending thereon, are guilty of contempt and of a breach of privilege of this House, and ordered the said parties to be taken into custody of the sergeant at arms."

6th. The sergeant at arms, reported, that a person had brought him a writ of habeas corpus, under the great seal for Mr. Montague (in his custody) to be brought up (as he was informed) before the lord-keeper, and he delivered it at the table, where it was read; and that he heard another like writ was granted for Mr. Denton, which, whilst this matter was in debate, was delivered to the House, and the House was of opinion that any person committed by the House of Commons was notailable within the act of habeas corpus, 31 Car. II.; but came to no resolution.

Mr. Bromley reported from the committee appointed to draw up what was proper to be offered to the Lords at the next conference, what they had drawn up, which he read in his place, and delivered it in at the clerk's table, where the same was read, and with some amendments agreed to. See State Trials, vol. viii. p. 143.

Resolved to desire a conference with the Lords on the subject of the last conference.

7th. The Lords having agreed to the conference, the same managers who managed the last conference attended the same, and Mr. Bromley reported, they had delivered to the Lords what the House had directed; upon which a message was brought to the House from the Lords to desire a free conference to-morrow at one o'clock, to which the house agreed to send an answer by their own messengers.

8th. The House sent a message to the Lords that when the House received their message yesterday, the House was just rising, but they now agree to a free conference whenever their lordships should appoint, and ordered the same managers.

Sir Thomas Hanmer carried the message, but reported the Lords were up, after which the House re-assumed the consideration of the matter in regard to the two writs of habeas corpus granted to bring Mr. Montague and Mr. Denton before the lord-keeper.

Resolved: "That no commoner of England, committed by the House of Commons for breach of privilege, and contempt of the House, ought to be by any writ of habeas corpus, made to appear in any other place, or before any other jurisdiction during that session of parliament wherein such person was committed."

Resolved: "The sergeant at arms, attending this House, do make no return of, or yield any obedience to, the said writs of habeas corpus, and for such his refusal, he shall have the protection of the House of Commons."

Resolved: "That the lord-keeper be acquainted with this resolution, to the end, that the said writs

of habeas corpus may be superseded as contrary to law and the privileges of this House."

9th. The clerk of the House reported, he had acquainted the lord-keeper with the resolution: and then,

Sir Thomas Hanmer reported, he having been to the Lords with the message relating to the free conference, the Lords agreed to meet the House at two o'clock this day; and the managers went, and being returned,

Mr. Bromley reported, the managers had met the Lords at a free conference, which lasted very long, when the managers for the Commons took notice of some invasions of the House of Lords in point of judicature, particularly as to appeals, the Lords broke up the conference, whereupon the House ordered the managers to draw up what passed, and lay the same before the House with all convenient speed.

15th. Mr. Bromley reported, the managers had drawn up what passed at the free conference, which they had directed him to report, which he read in his place, and afterwards delivered in at the clerk's table, and it was ordered to be entered on the journals.—See the same at large in State Trials, vol. 8. p. 149.

The same day the Lords drew up a representation of this matter in an address to the queen (which see in same vol. of State Trials, p. 163-170) in order to obtain the writ of error; to which the queen (on the 14th of March) gave the following answer.

“ MY LORDS,

“ I should have granted the writ of error desired
“ in this address, but finding an absolute necessity
“ of putting an immediate end to this session, I
“ am sensible there could have been no further
“ proceedings upon that matter.”

Ordered, by the lords spiritual and temporal in
Parliament assembled, that the humble thanks of
this House be presented to her majesty for her
most gracious answer, in which she has expressed
so great a regard to the judgment of this House,
so much compassion to the petitioners, and such
tenderness to the rights of the subject.

The same day the queen came to the House, and
put an end to the sessions, which also put an end
to this affair.

Nov. 14, 1705. A petition of Simon Harcourt,
esq.

No determination.

Nov. 27, 1708. A petition of John Essington,
esq.

Petition withdrawn.

March 3, 1713. A petition of Nathaniel Mead
and John Deacle, esqrs.

No determination.

March 26, 1715. A petition of Simon Har-
court and Philip Herbert, esqrs.

Petition withdrawn.

1804. Petition of William Freemantle, esq.
against the return of Robert Bent, esq.

RIGHT OF ELECTION.

This, by act of parliament in 1804, is in the

Freeholders of the hundred of, and in all the Householders of the borough of Aylesbury not receiving alms.

NUMBER OF VOTERS—1200.

RETURNING OFFICERS—the Constables of the borough, chosen at the court leet of the lord of the manor.

PATRONS—Marquis of Buckingham, and Lord George Augustus Henry Cavendish.

POLITICAL CHARACTER.

This borough was under the influence of the Marquis of Buckingham till 1804, when a sharp contest took place. Scrope Bernard, esq. and William Freemantle were candidates on the patron's interest, and were opposed by James Dupré, esq. and Robert Bent, esq. The numbers on the poll were,

For James Dupré, esq. - - - 336

Robert Bent, esq. - - - 260

Scrope Bernard, esq. - - - 180

William Freemantle, esq. 34

The first two were consequently declared duly elected; but a petition was presented against the return by William Freemantle, esq. and certain electors, which was tried the 29th February, 1804, when the system of bribery, so common to all the boroughs, was laid open. Sir George Cornwall, chairman of the committee reported to the House, that James Dupré, esq. one of the sitting members was duly elected; but that the election was void with regard to Robert Bent, esq. the other mem-

ber, who had been returned, and that he had by himself, or his agents, been guilty of bribery and corruption previous to, and at the said election. The report was ordered to be printed, and to be taken into consideration on the 19th of March following. It was ordered, that no new writ should be issued for a member in the room of Mr. Bent. An act was passed after great debates to extend the right of voting for the borough of Aylesbury to the three adjoining hundreds, when the influence of its elective right was contested between the two great families of the Marquis of Buckingham and Lord George Augustus Henry Cavendish. The latter prevailed after a severe contest, and his son was elected, since which time these noblemen have coalesced, and each nominates a member.

CORPORATION.

The corporation by negligence in keeping up the succession was dissolved.

CHIPPING-WYCOMBE.

CHIPPING-WYCOMBE is a borough, market town, and parish in the hundred of Desborough, Bucks, 29 miles from London; containing 818 houses and 4,248 inhabitants, of whom 801 were returned as being employed in trade. The town consists principally of one extensive street, on the south side of which runs a small river, which falls into the Thames, two miles below Marlow. There are several paper and corn mills in the neighbour-

hood, which constitute the chief traffic of the place. The market on Friday is well supplied, particularly with corn. Fair, 25th September.

REPRESENTATIVE HISTORY.

This ancient borough sent members to Parliament for more than three hundred years before any other in the county of Buckingham were restored. It is supposed to have been first incorporated in the reign of Edward IV.; but the right of election, which is now in the corporation only, was formerly in the inhabitants at large: for we find it sent members ever since the 28th of Edward I. and the returns were made by the sheriff and burgesses till the 7th of Edward IV. and afterwards by the sheriff and mayor. At which time, and antecedent to that period, the sheriff certified, that this was the only borough in his bailiwick whereby it had pre-eminence over every other town in the county, and it is still the best built and wealthiest town in Buckinghamshire, and has the best market. The right of voting could never be in corporations before such partial bodies were established; and the word *burgenses*, as interpreted by the House of Commons, in the case of Abingdon and many others, was always understood to mean the inhabitants of a borough, just as the English words *commonalty*, and *community* meant the commons, or the whole community of a place; though Dr. Brady has contended, and committees of the House of Commons have sometimes determined, that these words, notwithstanding their compre-

hensive meaning, extended only to the corporation, or to some partial and inconsiderable portion of the inhabitants of a place, and generally to such as are non-residents, and ought to have no share in the elective right of a borough, where they neither contribute to the rates and taxes, nor bear the burthen of public offices. Such is now the state of this town, and many other opulent and populous cities in Great Britain and Ireland, such as Bath, Salisbury, Edinburgh, Glasgow, and many others, where the right of election is confined to a self-elected corporation of a few individuals, though the population, in some of these places, exceed a hundred thousand persons. The injustice of such a shadow of representation is only equalled by its absurdity!

PETITIONS. This borough was summoned to send representatives to Parliament from the 28th of Edward I. Carew, p. 152.

The precepts were directed at first to the bailiffs of the liberty, of the honour of Wallingford, who made no return of the sheriff's precept in the 28th and 30th of Edward I. and in the 2d and 4th of Edward II. as it is set out in the *Brevia Parliamentaria Rediviva*; but, in the register, the names of the representatives, for those years, are inserted in the list. Dr. Willis writes:—the stewards of this liberty made the returns during the reigns of Edward the First and Second, and in the beginning of Edward the Third. Willis, Nat. vol. i. p. 94.

May 5, 1660. Mr. Turner reported from the committee, touching the double return for this borough, that it appeared Richard Brown, esq.,

returned by one indenture, had more votes than Thomas Scot, esq., who is returned by another indenture, when the mayor of this borough, and the clerk of the crown, were ordered to attend the bar of this House on Monday morning next.

The mayor of this borough and the clerk of the crown attended at the bar, and did there amend the return for this borough, and inserted the name of Mr. Brown in the indenture, instead of the name of Mr. Scot.

Ordered: "That the mayor of this borough be committed to the custody of the sergeant at arms, for his abuse, in making a false return for this borough."

Feb. 18, 1672. A petition of Sir William Egerton, K. B. and Sir John Borlace, complaining of undue practices in the returns for this borough.

No determination.

March 18. The clerk of the crown being called in, took off the return of Sir William Egerton, for this borough, from the writ, and the same was cancelled at the table.

Jan. 7, 1673. A petition of John Shirley, and others, against the return of Robert Sawyer, esq.

No report.

May 30, 1685. A petition of Thomas Lewis and William Serjeant, esquires, touching the election of this borough.

No report,

Oct. 26, 1702. A petition of Henry Lord Shelborne, against the return of Fleetwood Dormer, esq.

Oct. 28. Resolved: "That Fleetwood Dor-

mer, esq. is duly elected a burgess to serve in this parliament for this borough."

Nov. 18, 1707. Ordered: "A new writ for electing a burgess for this borough, in the room of Fleetwood Dormer, esq., made a commissioner for prizes."

Oct. 24, 1722. A petition of Harry Waller, esq. against the return of Lord Viscount Shelborne and Mr. Egerton.

Nov. 23. Petition withdrawn.

Feb. 22, 1725. A petition of Harry Waller, esq. against the return of the Hon. Charles Collyear, for this borough.

Resolved: "That the Hon. Charles Collyear is not duly elected a burgess of this borough."

"That the late election of a burgess for this borough was a void election."

March 8, 1725. A petition from Harry Waller, esq. setting forth that, notwithstanding the resolution of this House on the 22d ult. the mayor of this borough did again, on the 3d instant, return the Hon. Charles Collyear to serve in Parliament.

Ordered: "That Mr. Richard Shrimpton, mayor of this borough, do attend at the bar of this House on Thursday se'nnight."

12th. Complaint being made, that the mayor of this borough, having been served with an order of this House, for not permitting Harry Waller, esq. or his agents, to inspect the public books, records, &c. belonging to this borough, had refused to obey the same,

Resolved, *nem. con.*: "That Mr. Richard

Shrimpton, mayor of this borough, having refused to obey the order of this House for permitting Harry Waller, esq. or his agents, to inspect the public books, records, &c. belonging to the said borough, for the said contempt, be taken into the custody of the sergeant at arms."

Ordered: "That Mr. Shrimpton, mayor of the said borough, do forthwith cause the ledger-books, for entering the names of such persons, as have been made free of the said borough, to be delivered to the clerk of this House."

16th. Ordered: "That the sergeant at arms do bring Mr. Richard Shrimpton, mayor of this borough, in his custody to-morrow."

17th. The House proceeded in the hearing of the several complaints in the matter of the said election.

Resolved, *nem. con.*: "That it appears, that Mr. Richard Shrimpton, mayor of this borough, has been guilty of divers arbitrary, illegal, and partial proceedings, at the late election of a Burgess to serve in this present Parliament, for this borough, in violation of the freedom of elections."

Ordered: "That the said Richard Shrimpton be, for the said offences, committed to Newgate, and that Mr. Speaker do issue his warrant accordingly."—Also,

Resolved: "That Edward Marshall, having presumed to read the proclamation against riots, whilst the burgesses were legally assembled, by virtue of his majesty's writ, without having sufficient authority so to do, is guilty of an high infringement of the freedom of elections:"—and

Ordered: "That the said Edward Marshall be, for the said offence, committed to the the custody of the sergeant at arms.

CORPORATION.

The corporation consists of a Mayor, Recorder, two Bailiffs, twelve Aldermen, a Town Clerk, and an indefinite number of Burgesses, being freemen inhabiting within the borough; to which number the corporation have also thought fit to add several persons *not inhabiting* the same, by constituting them Honorary Freemen, or Burgesses.

RIGHT OF ELECTION.

In the Mayor, Bailiffs, and Burgesses, not receiving alms. January 28, 1702.

NUMBER OF VOTERS—50.

RETURNING OFFICERS—the Mayor and two Bailiffs.

PATRONS—Sir John Dashwood King, and Sir Thomas Baring.

The influence of this borough was, for many years, possessed by the late Marquis of Lansdown, and Edmund Waller, of Hall Barn, near Beaconsfield, esq., to whose interest the present patrons succeeded. In 1790, the late Marquis of Lansdown procured the return of both members. The numbers on the poll being, for

Earl Wycombe.....	34
Sir John Jervis.....	26
Sir J. Dashwood King.....	22

WENDOVER.

WENDOVER, a borough market town and parish in the hundred of Aylesbury, Bucks, $4\frac{1}{2}$ miles from Aylesbury, and 35 from London; containing 264 houses and 1387 inhabitants. It is a poor mean place, and possesses no trade or manufacture of any consequence. It has a market on Thursday, and a fair on the 12th of October.

REPRESENTATIVE HISTORY.

This borough returned burgesses to Parliament in common with Amersham and Marlow, in this county, so early as the 28th, 33rd, 34th, and 35th of Edward I., and in the 1st and 2nd of Edward II.; and it then ceased sending till the reign of James I., a period of more than four hundred years.

In the twenty-first year of that reign, Mr. Hake-well, a learned barrister of Lincoln's Inn, discovered, amongst the ancient parliament-writs in the Tower, the returns for these three boroughs. Petitions were therefore preferred to the House of Commons, that they might be restored to their ancient right, or franchise, of sending burgesses to Parliament, and that writs might be directed to the sheriff of Buckinghamshire for that purpose. Notice of these petitions was given to the king, who declared himself unwilling to have the number of burgesses increased, declaring he was troubled with too great a number already,

and commanded Sir Robert Heath, his then solicitor, to oppose it to the utmost of his power, and most of the Commons, understanding the king's inclination, used their utmost endeavour to cross it; but so irresistible did the justice of their claim appear, that, if such neglect were suffered in one borough, it might be in more, and, consequently, in all the boroughs in England; and then it might follow, that, for want of burgesses, there might be no Parliament.

As for these three boroughs, it appeared that they were ancient Parliament boroughs by prescription, and never had a charter.

These petitions were presented to the House May 18, 1621, and May 4, 1624. The committee reported by Mr. Glanville, their chairman, that Wendover, Amersham, and Marlow, had proved their ancient right to send burgesses to Parliament; whereupon the House ordered a warrant from the speaker, to issue new writs accordingly.

This precedent ought to justify the city of Ely, and the ninety-four boroughs we have named in the first volume of this work, as having sent members to Parliament in former reigns, in now demanding to have their ancient rights restored; especially as some of them have risen to great opulence and extensive population, while those which remain have many of them sunk into wretchedness and contempt, or, like old Sarum and Gatton, become *annihilated in every thing* but the name.

PETITIONS. Feb. 22, 1672. A petition of William Friend, Francis Wallis, and Benjamin

Delafield, and one of Thomas Wharton, esq., against Alderman Backwell.

March 19. Resolved: "That Alderman Backwell is not duly elected a burgess for this borough."

Oct. 24, 1702. A petition of Richard Crawley, esq., against Sir Roger Hill, for corruption and indirect practices.

Nov. 22. Resolved:—1st. "That persons coming by certificate to live in this borough are not entitled to vote for members for this borough."

2nd. "That Sir Roger Hill is not duly elected to serve for this borough."

Dec. 5, 1710. A petition of Rich. Crawley and Edward Sayer, esqrs., against Sir Roger Hill and Henry Grey, esq., on the grounds of bribery and other undue practices.

No determination.

RIGHT OF ELECTION

Is in the Inhabitant Housekeepers within the borough not receiving alms. Nov. 21, 1701.

Persons coming by certificate to live in the borough have not a right to vote.

NUMBER OF VOTERS—100.

RETURNING OFFICERS—Two Constables.

PROPRIETOR—Lord Carrington.

POLITICAL CHARACTER.

This is one of that class of excrescences in the constitution, as they were termed by the great Earl of Chatham, called a *proprietary borough*. It being the sole and entire property of Lord Car-

rington, and its elective franchises are *transferable in the market like any other goods and chattels*.

The lordship and manor of Wendover Forrens and Wendover Burgh, with the borough of Wendover, was part of the demesne of the crown from the Conquest, and formed part of the dower of several royal females, till being granted by James I. to Thomas Gibbs and Lawrence Whitaker, esqrs., was by them sold to the son of the great Hamden, about the time of the Restoration, from whom it passed through several hands to the present possessor.

When this borough was in the possession of the late Earl Verney, a circumstance happened which is too remarkable to be omitted. The tenants in general living rent free, on condition of giving their votes to such gentlemen as his lordship should nominate, the electors were prevailed upon, in 1768, to accept a present advantage in preference to the above privilege.

A Mr. Atkins, a considerable lace manufacturer in this place, had undertaken, by a *coup de main*, to carry the election against his lordship's interest, and conducted his measures with such secrecy, that no opposition was expected until the day of election. At this moment, to the astonishment and confusion of Earl Verney and his agents, Sir Robert Darling, a former sheriff of London, was proposed, and immediately returned by a considerable majority. This disobedience to his lordship's wishes was punished by the voters being instantly ejected out of their houses, and obliged to take refuge in huts and tents, where

they remained for six months, in all the penitence of sorrow, until a promise of good behaviour in future so far softened the rigour of *this noble* resentment as to suffer them all, with some few exceptions, to repossess their former dwellings.

The inhabitants, however, keeping this severe treatment in remembrance, took the first opportunity to retaliate upon his lordship, by a repetition of their former conduct in 1784; when his lordship, having every reason to apprehend that he should lose his seat for the county, offered himself and Mr. Jolliffe as their candidates. The electors, well knowing that the deranged state of his lordship's private affairs would oblige him, very shortly, to sell his property in the borough, took the opportunity of again putting up their suffrages to the highest bidder. One individual engaged that two candidates should be chosen, against his lordship's interest and influence, for £6,000. This being settled, a gentleman was employed to go down, where he was met, according to previous appointment, by the electors, at a mile from the town. The electors asked the stranger where he came from? He replied, "FROM THE MOON." They then asked, "WHAT NEWS FROM THE MOON?" He answered, that he had brought from thence £6,000 to be distributed among them, by the borough agent, and to whom the money was then delivered. The electors being thus satisfied with the *golden news from the moon*, chose the candidates, and received their reward.

We have frequently heard of *lunar influence*; but we never remember to have met with such

prevailing arguments in favour of it as the above. No one can therefore be surprised, that near 100 persons should be so affected by this *Cynthian impulse*, as to lose all sense of obligation to their noble friend, except that of not giving him the trouble of guarding their political interests any longer.

The borough was some time after purchased by J. B. Church, esq., against whom a feeble opposition was made by two gentlemen in the interest of the Marquis of Buckingham; but as the *moon had withdrawn her influence*, it failed of success. Mr. Church, previous to his departure for America, where he is become a citizen, sold it again to Lord Carrington, the present proprietor, in whose possession it remains.

GREAT MARLOW.

GREAT MARLOW is a borough, market town, and parish, in the hundred of Desborough, Bucks, standing on the banks of the river Thames, under the Chiltern hills, 17 miles from Aylesbury, and 31 from London; containing 617 houses, and 3,236 inhabitants, viz. 1,436 males, and 1,800 females, of whom 306 were returned as being employed in trade and manufactures, principally in those of black silk, lace, and paper, there being several paper mills on the river Lodden between this town and High Wycombe. The Thames conveys various goods from the neighbouring towns, especially meal and malt from High Wy-

combe, and beech from several parts of the county, with which it particularly abounds. At the *Temple Mills*, near the town, is an extensive manufactory of copper and brass, and a mill for pressing oil from rape and linseed. The market is on Saturday. Fairs 29th October and two following days, for cattle, pedlery, provisions, &c.

REPRESENTATIVE HISTORY.

This borough sent fourteen times to parliament before the 3rd of Edward II. and then ceased sending for upwards of 400 years, until it was restored upon petition to the House of Commons in the 21st of James I. (See Wendover.)

Nov. 9, 1640. Mr. Maynard reports that Mr. John Borlace and Mr. Ipsley were returned to the clerk of the crown to serve as burgesses for this borough; after which the under sheriff brought another indenture, wherein John Borlace and Mr. Hobby were returned.

Resolved: "That the under sheriff of the said county of Bucks shall be sent for as a delinquent."

19th. Ordered: "That John Moore, for his misdemeanors in the management of this election, shall be sent for as a delinquent by the sergeant of this House."

PETITIONS.—Oct. 25, 1680. A petition of Thomas Hobby, esq., was read.

Dec. 21. Resolved: "That Thomas Hobby, esq. is not duly elected."

June 3, 1685. A petition of Sir James Ethridge touching the election for this borough.

No determination.

March 22, 1689. The House noticing, that by the returns for this borough there is a return in the following manner: viz. James Chace, esq. and Sir William Whitlock, knight, by one indenture, first brought in by the under sheriff on the 4th of March: and James Chace, esq. and Ralph Bucknall, by another indenture, added by the high sheriff, on the 18th of March, the question was put that the said return be a double return.

Petition refused.

Ordered: "That the return by which Mr. Bucknall is returned be taken off the file."

March 25, 1690. A petition of Ralph Bucknall, esq.

No determination.

Oct. 6. A petition to the same effect from the said Mr. Bucknall.

No determination.

Nov. 27, 1708. A petition from several inhabitants of this borough against the return of James Chace, esq.

Ordered to be withdrawn.

Dec. 2, 1710. A petition from James Chace, esq. George Bruere, esq., and several other inhabitants, against illegal practices, &c. in the election for this borough.

Sth. Ordered: "The several petitioners have leave to withdraw their petitions."

March 3, 1713. A petition of William Bucknall, esq. against the return of George Bruere, esq.

No determination.

March 30. A petition from several inhabitants against the return of George Bruere, esq.

No determination.

March 30, 1713. A petition of John Gray, Stephen Gray, Richard Holloway, John Martin, and John Webb, against the return of Lord Shelburne, procured by bribery, &c.

No determination.

March 5, 1716. A petition from several inhabitants against the return of George Bruere, esq. as incompetent of being their representative.

No determination.

———. A petition from John Gray, Stephen Gray, Rich. Holloway, &c., against the return of Lord Shelburne.

May 20, 1717. Resolved: "That the Right Honourable Henry Lord Viscount Shelburne, of the kingdom of Ireland, is duly elected a Burgess for this borough.

Oct 18, 1722. A petition of Bertram Ashburnham, esq. against the return of Edmund Waller, esq. procured by bribery, threats, influencing the constables, &c.

Jan. 14, 1723. Petition withdrawn.

Parl. 7. Sir John Guise, bart. petitioner, renewed sess. 2 and 3, against Mr. Clavering, who was voted duly elected.

Parl. 7. Lord Sidney Beauclerk, petitioner against Sir Thomas Hoby, bart.

Parl. 9. Henry Cunningham, esq. petitioner against Mr. Ockenden. The last determination of the House, Nov. 2, 1690, when it was resolved

that those inhabitants only who pay scot and lot have a right to vote, was read, and after three days hearing the petitioner withdrew his petition.

Parl. 12. Daniel Moore, esq. petitioned, the same was tried, but the House found the sitting members duly elected.

Parl. 13. William Matthew Bent, esq. petitioned ; but on the 7th of March, 1769, requested leave to withdraw it, which was granted.

Parl. 16. Thomas Keating, esq. a major in the army, petitioned, not renewed the 2nd session.

RIGHT OF ELECTION.

This was resolved, Dec. 21, 1680, and Nov. 21, 1690, to be in those inhabitants only who pay scot and lot.

NUMBER OF VOTERS—216.

RETURNING OFFICER—The Constable chosen at the court leet of the lord of the manor.

PROPRIETOR—Owen Williams, esq.

POLITICAL CHARACTER.

This borough is the sole property of Owen Williams, esq., of Temple, near this place, one of its present members, who purchased one moiety of it about twenty years since of the present Sir William Clayton, and the other of Sir John Borlase Warren. It is one of those many boroughs which can boast of no privilege except that of voting at the will of a superior. Some may think it to be thus exempted from the trouble of choosing for themselves, a considerable advantage ; for by this method they are certainly secure from the censure

of a weak judgment, or an interested choice : those who are deprived of their will, can neither have their reason condemned nor their motive scrutinized. It may be proper here to observe, that Sir William Clayton resigned his seat at the election in 1790, to Thomas Williams, esq., the father of the present proprietor.

AGMONDESHAM, *alias* AMERSHAM.

AMERSHAM is a borough and market town, in the hundred of Burnham, Bucks, 26 miles from London ; containing 397 houses, and 2,130 inhabitants, being 957 males, and 1,173 females, of whom 1,198 were returned employed in trade and manufacture. The town consists of one long street, in a vale between woody hills near the river Coln. It has a good market on Tuesday.

REPRESENTATIVE HISTORY.

This borough having returned to parliament, in the 28th, 34th, and 35th, Edw. I. ; and 1st, and 2nd, Edw. II. ; intermitted sending for the same period as Wendover and Great Marlow, until it was restored, like them, by petition, 21st James I. (See Wendover.)

Nov. 3, 1669. Information being given that Sir Ralph Bovey had procured a return of an election to serve for the borough of Agmondesham from one who is not a proper officer,

Resolved: "That Sir Ralph Bovey was not returned by the proper officer."

“ That Jonathan Ball be brought in the custody of the sergeant at arms, upon his misdemeanor in having made a false return for this borough.”

Nov. 8. The indenture of Sir Ralph Bovey was taken off, and the indenture of Sir William Drake affixed.

17th. A petition on behalf of Jonathan Ball was read, when Mr. Speaker informed him the House had received a report of a great fault and miscarriage in making a false return for this borough, but upon his submission did discharge him, paying his fees.

Oct. 25, 1670. A petition of Algernon Sidney.

Resolved: “ That Algernon Sidney is not duly elected.”

Nov. 3. A petition of Sir William Drake.

Resolved: “ That Sir William Drake is not duly elected.”

March 24, 1680. A petition of Sir Roger Hill, and also a petition of Algernon Sidney were read.

The Parliament was soon after dissolved.

Dec. 12, 1698. A petition of Sir Roger Hill against the return of Sir John Gerrard.

Jan. 6, 1699. Resolved: “ That Sir John Gerrard is duly elected.”

March 7, 1700. A petition of the inhabitants, upon the death of Sir John Gerrard was offered to the House relating to the election.

Refused to be received.

Nov. 2, 1705. A petition of Sir Thomas Webster against the return of Lord Cheyne and Sir Samuel Gerrard.

Resolved: "That William Lord Cheyne and Sir Samuel Gerrard are duly elected burgesses, to serve in this present Parliament for the borough of Agmondesham."

RIGHT OF ELECTION.

This was resolved by the House, Dec. 11, 1680, and Dec. 1, 1705, to be in the Inhabitants paying scot and lot only.

NUMBER OF VOTERS—130.

RETURNING OFFICERS—the Constable, chosen at the Court Leet of the Lord of the Manor.

PROPRIETOR—Thomas Tyrwhitt Drake, esq.

POLITICAL CHARACTER.

This borough, which includes in its limits no more than one half of the place which bears the above name, is wholly the property of Thomas Tyrwhitt Drake, esq. of Shardeloes, near this place. Sir William Drake, bart., bought it of the Earl of Bedford in the reign of Charles II. It is one of those towns which admit of no opposition; for none can be made where no political will is enjoyed, and where the privilege of franchise is only the necessity of obedience. The only vice, therefore, inherent in this borough, is that which attends all those places represented at the discretion of one individual instead of the free consent of the whole community.

CHESHIRE.

CHESHIRE is a county bounded by Lancashire on the north, Shropshire and part of Flintshire on the south, Derbyshire and Staffordshire on the east and south-east, and Denbighshire and part of Flintshire on the west and north-west, being about 50 miles long and 30 broad; it contains about 676,000 acres of land, two-thirds of which are in pasturage, about 200,000 acres arable, and nearly 50,000 acres uncultivated, including woodlands. It has one city and 12 market-towns, viz. Altrincham, Congleton, Frodsham, Halton, Knutsford, Macclesfield, Malpas, Middlewich, Nantwich, Northwich, Sandbach, and Stockport; and contains 34,482 inhabited houses and 191,751 inhabitants, of whom 67,447 were returned as being employed in trade, manufacture, or handicrafts; and 38,822 in agriculture. It contains 86 parishes; and lies in the diocese of Chester and province of York. Assessment of the property tax 1806, 1,747,853*l*. Amount of the poor's rates 1803, 84,991*l*. being at the rate of 3*s*. 5½*d*. in the pound. Average scale of mortality for 10 years, as 1 to 50 of the existing population. It is divided into 7 hundreds, viz. Broxton, Bucklow, Eddisbury, Macclesfield, Nantwich, Northwich, and Wirrall. Its principal rivers are the Dee, Weever, and Mersey. Here are also many lakes and pools well stored with fish. This county is particularly famous for its

salt works and its cheese ; and more calves are fed in Cheshire during March and April, than in any other part of England ; but they are killed very young, in order to save the milk.

REPRESENTATIVE HISTORY.

Carew,
p. 143.
4 Inst. p.
211.

This was a county palatine by prescription. It became annexed to the crown in the time of Edward I. Before the statute of 34 Henry VIII. it never sent knights of the shire or citizens to Parliament ; but by that act it sent both.

May 30, 1685. A petition of Sir Robert Cotton, bart., and John Mainwaring, esq., touching the election for this county.

No determination.

Nov. 10, 1705. A petition of Sir George Warburton, bart., against the return of Langham Booth, esq., by reason of his incompetency, being under the age of twenty-one years.

Feb. 10, 1706. Resolved, " That Langham Booth, esq. is duly elected a knight of the shire for this county, whereto the House agreed."

POLITICAL CHARACTER.

The influence over this county extends itself to many opulent families. The Earl of Stamford, Earl Cholmondely, Earl Grosvenor, Earl of Wilton, Lord Crewe, Lord Combermere, the Egertons, Cholmondely of Vale Royal, Leigh, Davenport, Warburton, and others. We have heard of no contest for many years, and it is generally represented by one of each party.

CHESTER.

CHESTER is in the hundred of Broxton, Cheshire, 181 miles from London by Coventry and Newport, and 190 by Litchfield. It is a very ancient and extensive city, with a noble bridge of 12 arches over the river Dee, which falls into the Irish Channel. It contains two parishes, and 3,109 houses, inhabited by 15,052 persons, being 6,492 males and 8,560 females, of whom 2,149 were returned as being employed in trade and manufacture. It consists of four principal streets. Chester is a bishop's see, and was anciently part of the diocese of Litchfield. The diocese contains the counties of Cheshire and Lancashire; part of the counties of Westmoreland, Cumberland, and Yorkshire; two chapelries in Denbigh, and five parishes in Flintshire; in all 256 parishes. Its market-days are Wednesdays and Saturdays, the markets being particularly well supplied with fish; and fairs, the last Thursday in February, for cattle; and July 5 and October 10, for cattle, cloth, hardware, hops, &c.

REPRESENTATIVE HISTORY.

This city being the capital of a county palatine, did not send members to the national Parliament before they were granted the privilege by statute, 34 Henry VIII.

February 19, 1672. A petition of William Williams, esq., against the election of Colonel Warden.

May 27. Resolved: "That William Williams, esq., is not duly elected."

"That Robert Werden, esq. is duly elected a member to serve in this Parliament for this city; to which the House agreed."

March 27, 1690. A petition of Roger Whitby and George Mainwaring, esqrs., against the return of Thomas Grosvenor and Richard Leving, esqrs.

Dec. 2. Resolved: "That Sir Thomas Grosvenor, bart., and Richard Leving, esq., are duly elected to serve in this Parliament for this city."

Dec. 13, 1695. A petition of Sir William Williams against the election of Colonel Whitby, mayor of this city, and Sir Thomas Grosvenor.

Petition withdrawn.

Oct. 18, 1722. A petition of Thomas Brereton and Hugh Williams, esqrs., against the return of Sir Richard Grosvenor and Sir Henry Banbury, by reason of bribery, threats, promises, &c.

No determination.

Parl. 7. Richard Manley, esq., against Robert Grosvenor, esq.

Parl. 8. Richard Manley and Hugh Williams, esqrs., petitioners, renewed in sess. 2, 3.

Parl. 10. James Mainwaring, jun., esq., petitioner against Mr. Warburton.

From the earliest accounts of the constitution of Chester, it was a mercatory guild, or corporation of merchants and artificers; and that it was the most important among its cotemporaries may be inferred from its being well known as the western emporium of commerce in the island; and its two great annual fairs, granted by the first

earls, are an existing evidence of its ancient commercial consequence. Its trade, in the time of Edward I., was so considerable, that it paid a yearly fee-farm rent to the crown of 100*l.*; but the harbour being choaked with sand, the trade was necessarily transferred to Liverpool, as the nearest and more convenient port. To this cause may be ascribed the present opulence and prosperity of Liverpool.

The corporation, or guild, consisted of twenty-four companies: over each presided an alderman, who, according to the ancient customs, was annually elected. There were two officers, called keepers of the guild, who admitted freemen, received customs, rents, and fees, and who, we may suppose, were the primitive *leave-lookers*. These, with the sheriffs, who derived their authority from the earl, and the murengers, probably existed before there was a mayor. It does not appear when the latter chief magistrate was introduced into the corporation; for a charter of Henry III. mentions him as then being, and not as then created. It is however evident, that all the above offices existed before the charter of Henry VII. dated April 6, 1506; for this granted no new offices or privileges: it confirmed the ancient customs of the place, and gave a sacred and inviolable sanction to the original right every citizen had to choose all the principal officers of the corporation; but the official power and authority was, by the united efforts of intrigue and violence, rendered perpetual in this city as well as in every other in the kingdom. To this may be attributed the office of alderman,

which was originally but annual; being now, in this and every other corporation, held for life. Ambition thus availed itself of the natural prejudices, and the most grateful affections of mankind, to subject them to first oppression, by seducing them to resign their independence. When an alderman had, by good behaviour, excited the gratitude, and rivetted the attachment of his elective citizens, he was frequently retained in his office, when the safety of municipal privilege should have obliged him to resign. In this manner the best of moral actions led to the destruction of the most valuable privileges. Those who were thus allowed to continue in office longer than the time prescribed by custom and the constitution, assumed the temporary sufferance of their electors, as an indefeasible right for life. Knowing they could have no chance of being chosen chief magistrate, while they were liable to be removed from their aldermanship by annual election, they chose rather to violate the rights of their fellow-citizens, than lose an opportunity of gratifying their lust of power and vanity of eminence. This infringement of privilege arose from the mayor not being chosen among those who had been aldermen, as well as those who were; and this defect in the municipal policy may be assigned as the cause of aldermen holding now their offices for life, who before held them only for a year. Great abuses soon arose from this violation. In 1554, it appears that the mayor appointed the common-councilmen. In 1574, the confirmation which Elizabeth gave, in the sixth year of her reign, to the charter of Henry

VII. was, by this immaculate corporation, surrendered for one that was more favourable to the encroachments they had made on the privileges of their fellow-citizens. In 1604, James I. gave a confirmation of the charter: this seemed to have less sincerity than compliment. His majesty attempting, the year following, to nominate a recorder, is an evidence of that royal interference in the affairs of corporations, which began in this reign, and was carried by succeeding kings to such a dangerous excess, as almost to threaten an entire subversion of the few privileges which charters had restored to the people. In 1662, Lord Brereton, Sir Peter Leicester, Sir Richard Grosvenor, and Sir Geoffrey Shackerby, acting as commissioners for regulating the corporation, endeavoured to remove several aldermen and common-councilmen, who appeared too much attached to the interests of their fellow-citizens to be the avowed tools of government. To this origin may be traced those divisions and animosities which have frequently risen to such an alarming height in this city, and which can scarcely be yet said to have subsided. To such a degree was popular discord carried, that, at a parliamentary election in 1672, the recorder, Mr. William Williams, and Colonel Warden, who had been gentleman of the bed-chamber to the Duke of York, afterwards James II., being opponent candidates, eight men were killed in the crowd at the foot of the stairs of the common-hall; and the poll was, in consequence, adjourned to the Rood Eye. This is one of those many dismal and disgraceful casualties that too

frequently attend those times in which the people are called together to exercise their elective privileges :—at a period when the voters of this kingdom should be suffered to choose their representatives with that peace, order, and decency, which ought to characterize the constitution of a parliament, discords are too often fomented, and outrage abetted. The people are first intoxicated, and afterwards divested of their reason. The very instant in which they are assembled to preserve their lives, rights, and properties, privilege is banished, rapine encouraged, and murder committed. These are the blessings we have enjoyed ever since a seat in Parliament has been more advantageous to the representative than the constituent. To countenance such proceedings, encroachments were made on this and all other corporations. In this general abridgment of independence, the charter of Chester was altered ; for, in 1676, a new charter was made, which, although it left the right of election, as prescribed in that of Henry VII., unaltered, yet introduced several innovations with respect to the election of all the corporate officers ; and so rendered their possessors more immediately dependent on the sovereign.

The opposite parties, being nearly equal in strength and affluence, agreed for a time to divide the representation.

The great subject of dispute between Charles II. and his Parliament was the exclusion of his brother, the Duke of York, a professed papist, from succeeding to the crown. No sooner had the king called them together, for the purpose of obtaining

supplies, than a bill of exclusion was agitated, and made the *sine quâ non* of every pecuniary grant; and such were the apprehensions of the consequences of the duke's accession to the crown, that even that part of the nation who were zealously attached to the king's person, and all the more sensible and moderate, supported the measure of exclusion. Every election consequently produced new advocates for it in the House of Commons, in defiance of all the strenuous efforts of court influence. As money could not be had without parliaments, nothing remained, but for the crown to attempt the acquisition of such a decided sway in the choice of members, as to render all opposition too feeble to counteract their designs. It was therefore imagined, and not without reason, that this might be effected by the king assuming the power of nominating the officers of corporations; and as this was only to be done by the demolition of a charter, a plan was formed for this purpose of avowed tyranny. Some boroughs were terrified, and others cajoled into a surrender of their charters; and against those that were obstinate, informations, in the nature of a *quo warranto*, were filed. These violent proceedings soon evinced that the court was determined to establish its arbitrary designs. With these views, there were not wanting in Chester men who were ready to adopt any measure, however despotic, provided they were permitted to share the unconstitutional authority. To this end, a voluntary surrender of their old charter was attempted; but the measure, being too despotic, proved abortive. It was there-

fore necessary to have recourse to compulsion. An information was filed; and the result was, that judgment was given, that *the liberties of Chester should be seized into the king's hands*, until the court should further order, which was accordingly executed by a writ of seizure. A rule for final judgment being given the next term, and the corporation showing no cause against it, a farther rule for entry of that judgment was made, which, however, from some neglect, was omitted. The Tories availed themselves of these circumstances to obtain a new charter, have their own mayor, and to fill the corporation entirely with their own creatures. Regardless of the reproaches and execrations of their fellow-citizens, whom they had thus despoiled of those rights restored to them by charter, they triumphed in the smiles and sunshine of court favour; and, as if tyranny had completely vanquished the patriotism of Chester, a tablet was placed over the Pentice-door, with an inscription importing, "that the new charter was acceptable to all good men." So venal and dependent did the corporation afterwards become, that, when James II. visited this city, the recorder, Leving, at the head of the corporation, thus addressed him: "The corporation is your majesty's creature, and depends merely on the will of its creator; and the sole intimation of your majesty's pleasure, shall ever have, with us, the force of a fundamental law."

When James made an alteration in most of the charters in the kingdom, a similar attempt was made on the city of Chester: but the independent

citizens, conceiving that this offer was only made to seduce them into a resignation of their religious liberty, unanimously refused its acceptance, and desired to have their ancient charter of Henry VII. restored. Thus, through the dismissal of the corporation created by Charles's charter, and the non-acceptance of that of James, the city was destitute nearly three months of magistrates, and the election day passed without any officers being chosen. The king, indeed, was at that time busily employed endeavouring to repair the wrong steps which were effecting his ruin, by particularly replacing all the corporations on their former footing: the greatest care was taken, that no means might be wanting to restore the ancient franchises to Chester. On the 18th of November, after the Prince of Orange had landed on the 4th, the corporation re-assumed its ancient privileges. In 1692, it was acknowledged by all, that the charter of restitution had, to every intent and purpose, revived the ancient franchises; among which, that of electing aldermen and common-councilmen, by the citizens at large, was as expressly granted as any other; and as it presented a probable remedy against the encroachments of aristocratic power, it was resolved that it should be adopted.

In October, 1692, Colonel Whitely was chosen mayor; and so pure and patriotic was his conduct, that he was continued in the mayoralty four years successively. Being obliged to retire from the fatigue of his office, he convened, a few days before this event, the corporation, and presented to them a set of regulations for their future choice

of aldermen and common-councilmen : these were so excellent, that they were unanimously received, and deserved the approbation of every honest and sensible mind. This worthy citizen, being succeeded by one of opposite principles, the freedom of the corporation was again subverted, by causing the elections of the city officers to be made by a select body. This was opposed by the citizens at large, in a petition signed by Roger Whitely and ten others ; which, however, after great struggles, proved ineffectual.

In 1698, the citizens were convened, and, by some artful means, persuaded to elect the whole body, and then to vote, that they should *continue in their offices according to ancient custom*. Thus was entirely destroyed the ancient privilege of annual elections in the corporation.

A general election approaching in 1734, both parties began to muster their forces. This proved to be one of the severest contests which the city had ever experienced. Their passions already inflamed, and conscious of the enormous weight of influence against them, the Whigs were driven into excesses which would have been inexcusable on any other occasion. It was apprehended that the corporation, having the power of making freemen in their own hands, might procure as many votes as they wanted. Some of the aldermen, having met in the Pentice at a late hour, on the Tuesday preceding the election, suspicion arose that the whole night was to be employed in admitting to the freedom of the city as many of their party as they could conveniently introduce. A

mob, therefore, soon assembled about the Pentice; broke open the door; assaulted and drove out the aldermen; and considerably damaged the windows and furniture. Their adversaries, feeling their inferiority in this kind of contest, resolved to call in foreign assistance: the following day, therefore, a large body of colliers, and other countrymen, were brought from the neighbourhood of Wrexham, by the direction and under the influence of Mr. W. W. Wynne. The citizens, hearing of their approach, retired into the castle, and there armed themselves with old swords, helmets, and breast-pieces; and, thus formidably accoutred, sallied forth to meet their foes. A bloody encounter ensued in Bridge-street; and several of the Welchmen being dangerously wounded, they were soon routed and put to flight. It was now agreed, that hostilities should cease, and that some plan should be settled for conducting the election in a peaceable and regular manner. The poll continued from Friday till Monday; and both parties so exerted themselves, as to bring votes from the most distant parts of the kingdom, and even from Ireland, in direct contradiction to the charter, which limits these elections to be made by *commorant* citizens. The majority, as might be expected, was in favour of the corporation member; but no sooner were the books closed, and the mayor and his attendants retired from the hustings, than they were obliged to retreat into the Exchange coffee-house. They were, however, not secure here; for the mob broke in, seized the sword and mace,

and, chairing their favourite candidate, bore him to his house in triumph.

As the corporation still exercised an overbearing influence, recourse was had to the only remedy against exorbitant power, which is that of recurring to its original and constitutional source—the *people*. Informations were accordingly brought against Johnson the mayor, ten aldermen, and eighteen common-council, for usurping the privilege of electing aldermen, exclusive of the commonalty. After a considerable contest, the Tories prevailed; and the Whigs, from disappointment and exhausted finances, seemed to be, for that time, entirely dispirited and disunited.

An attempt was made to bully them, in 1747, under auspices which seemed to insure success. It appeared that, at the election of 1734, the right of non-resident freemen to vote had been questioned; and it was now resolved to try the issue. The minister to whom the Grosvenor family was inimical, encouraged Baron Mainwaring to oppose administration. They were probably induced to this from the hope that, if the question concerning non-residents should be agitated, his support would not be wanting. The election was carried on with all the heat and violence of former times; and the Tory party, counting non-residents, had the majority.

A petition was presented, and the inquiry commenced, which clearly tended to establish the right of election in *resident* freemen only. And now Sir Robert Grosvenor found himself in a very dis-

agreeable dilemma : he considered that his interest in Westminster must be devoted to the minister, or he would be obliged to resign *one* representation for his hereditary borough, to which he could by no means consent. But, as it was *no novelty in his family to change principles*, for the purpose of preserving the superiority in Chester, a compromise was made the evening before the final issue of the petition : and, notwithstanding the resolutions of the preceding day, the counsel for the petitioners were instructed to say, “ that they would give the House no farther trouble.” Thus was the baron made the victim of ministerial duplicity.

From the above and other succeeding circumstances, respecting the conduct of the corporation and their opponents, it is evident that the former have always endeavoured to preserve their power by abridging and extinguishing the liberties of the people as much as they possibly could, while the latter have always endeavoured to found their pride and distinction on the defence of the rights and privileges of their fellow-citizens.

CORPORATION—this consists of a Mayor, Recorder, two Sheriffs, 24 aldermen, and 40 Common Councilmen.

RIGHT OF ELECTION.

It was resolved, Feb. 2, 1747, “ That the right of election was only in such citizens of the said city, as are inhabitants within the said city, or the liberties thereof, and *admitted to their freedom within the city by birth or servitude*, and not receiving alms or any public charity.”

Glenbervie,
vol. ii.
p. 150.

Ibid. 151.
Journ. v.
xxv. p.
504, 505.

Feb. 1747. Resolved, "That the right of election of citizens to serve in Parliament for the city of Chester is in the Mayor, Aldermen, and Common Council of the said city, and in such *of the Freemen* of the said city, not receiving alms, as shall have been cormorant within the said city, or the liberties thereof, for the space of one whole year, next before the election of citizens to serve in Parliament for the said city."

NUMBER OF VOTERS—1200.

RETURNING OFFICERS—the Sheriffs.

PATRON—Earl Grosvenor.

POLITICAL CHARACTER.

Although the number of electors is above 1000, its representation has been entirely at the disposal of Earl Grosvenor, whose family have possessed the same influence, except in one or two instances at the Revolution, ever since the reign of Charles II. This influence is created and preserved by securing the corporation, which does not appear to be *immaculate*, for more than a century, and by obtaining a lease from the crown of a number of tenements in this city. The members of the corporation, letting these from year to year only, as his lordship's agents, to electors, at low rents, operate so far on their fears and necessities as to control their independence. To secure their own houses, they care not whom they send to reside in the house of the nation. Thus, they never reflect that their indifference to the choice of their members makes them eventually pay in taxes much more than they save in their rents. They should, therefore, be reminded that this barter of

privilege for a local tenement is only exchanging their national fabric, the constitution, for a contemptible hovel.

Mr. Eddowes, of this city, with the virtue and firmness of the Fabii, having many years opposed this torrent of corporation and aristocratical influence, has at last triumphed over that rod of despotism, the charter of Charles II., which was granted upon the violation of the great charter of Henry VII.

At the last general election in 1812, there was a powerful opposition to the interest of Earl Grosvenor. Mr. Egerton and Mr. Townshend opposed his lordship's nomination of Thomas Grosvenor, esq., a general in the army, and Sir Richard Brooke, bart. The numbers on the poll were,

For T. Grosvenor, esq. - - 613

J. Egerton, esq. - - - 571

Sir R. Brooke - - - 564

— Townshend, esq. - 508

COUNTY OF CAMBRIDGE.

CAMBRIDGESHIRE is an inland county, bounded on the east by Norfolk and Suffolk, on the south by Essex and Herts, on the west by Bedford and Huntingdon, and on the north by Lincolnshire. It is included in the Norfolk circuit, the diocese of Ely, and province of Canterbury, except a small part, which is in the diocese of Norwich; it is about 40 miles long and 25 broad, 130 miles in circumference, containing about 500,000

acres of land, of which about 300,000 acres are nearly divided as arable and pasturage, and 150,000 acres uncultivated, including woodlands. It is divided into 15 hundreds, viz. Armingford, Cherterton, Cheveley, Chilford, Flendish, Longstow, Northstow, Passworth, Radfield, Staine, Staploe, Thriplow, Wetherley, Whittlesford, and the Isle of Ely; and contains 1 city, 8 market-towns, 64 parishes, 16,139 houses, and 89,346 inhabitants, being 44,081 males, and 45,265 females, of whom 11,988 were returned as being employed in trade and manufacture. The total return of income under the property tax, 1806, was £1,224,197. Amount of the poor's rates in 1803, £105,376 at 4s. 3½d. in the pound. The average scale of mortality for 10 years, appearing to have been to the population as 1 to 46. The city is Ely, and the market-towns are, Cambridge, Caxton, Linton, March, Newmarket, Sohans, Thorney, Wisbeach, and part of Royston. Its only rivers are the Cam, the Nen, and the Ouse. The county of late years has received great improvement, both from draining and the cultivation of cinquefoil, so that it now affords plenty of barley, saffron, and hemp, as well as the richest pasturage. The rivers abound with fish, and the fens with wild-fowl. In the fens are a number of decoys, in which an incredible quantity of wild-fowl are regularly taken. The suckling of calves for the London market is also carried on to a very great extent.

REPRESENTATIVE HISTORY.

2 Reg 31.

This county (which was joined by Huntingdon under one sheriff) contains also the Isle of Ely,

and has been represented from the times of the first returns to Parliament, the Isle being at first contributory towards the wages, and as Dr. Willis says, (unwillingly) paid a third part which was often disputed, and in Henry the Fifth's reign they raised and paid £200 to be discharged therefrom.

In this Mr. Prynn agrees, and writes that the agreement between the county and the Isle was confirmed by act of parliament, and an estate was purchased with the money, as appears by the conveyances. The memoirs of its elections and contests thereupon are as follow :

April 9, 1614. A petition from Sir Joseph Cutts and Mr. Pallevocyne, against the return of Sir Edward Peyton, and Sir Simeon Stewart.

Resolved, " That the election of Sir Edward Peyton, and Sir Simeon Stewart is void, and a writ for a new choice ordered."

March 5, 1623. The sheriff and under sheriff were brought to the bar, and made submission on their knees for making a return when there was no due election of those returned. The high sheriff was besides fined £100. Both were discharged on paying their fees.

Nov. 6, 1640. Ordered a warrant for a new writ to be sent to the sheriff for Cambridgeshire, for election of the knights of the shire.

Jan. 4, 1693. A petition of Sir Rushout Cullen against the return of Lord Cutts.

Feb. 12. Resolved, " That Lord Cutts is not duly elected."

" That Sir Rushout Cullen is duly elected."

Dec. 23, 1697. A petition of Sir Christopher Hatton, Sir Richard Bennett, barts., and others of this county against the under sheriff for debarring the just rights and liberties of election, by threats, bribery, &c. in the election of Sir Rushout Cullen.

Petition dismissed.

March 30, 1715. A petition of Granado Pigot against the return of Mr. Jenyns, and Mr. Bromley.

April 3, 1717. Petition withdrawn.

POLITICAL CHARACTER.

The aristocratic interest prevailing in this county is that of the Duke of Rutland and Earl of Hardwick conjointly. Their relations or friends have succeeded in every election so long, that it intimidates every person who might be otherwise disposed to offer himself as candidate against this formidable influence. It must be however observed, that the Duke of Bedford, having great property in this county, has a considerable interest. Should a contest, however, arise from this circumstance, instead of restoring the independence of the freeholders, it would only be a struggle for the pre-eminence of aristocracy. Thus the freedom of choice inherent in the people must be ever overwhelmed, while the exercise of elective franchise is transferred from person to property.

At the election contest in 1780, between Lord Robert Manners, brother to the late Duke of Rutland, and Philip Yorke, esq. nephew to the late Earl of Hardwick, against Sir Sampson Gideon; the numbers polled were,

Lord Robert Manners	- -	1741
Philip Yorke, esq.	- - -	1452
Sir Sampson Gideon	- -	1058

Total of the poll	- -	4251
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Sir H. Peyton was elected ; on his decease, General Adeane was chosen : both of these members were elected upon the Rutland interest.

In the above contest Sir Sampson Gideon was supported by the influence of the ministry of that day ; but the court-engine was found too feeble to shake the two pillars of aristocratic alliance.

When Philip Yorke, esq. succeeded to the title of Earl of Hardwick in 1790, his brother, Charles Yorke, esq. succeeded him in the representation of this county.

On the death of General Adeane, a vacancy occurred, when a contest took place between these peers for the absolute control of this county. Sir Henry Peyton was supported by the Earl of Hardwick, and Lord Charles Somerset Manners by his brother the Duke of Rutland. The former was elected by a small majority, and Lord Hardwick had both members for a short period, but as they found this would lead to endless expenses they again coalesced at the ensuing general election in 1802, when the brothers of these two noblemen, Lord C. S. Manners, and the Right Hon. Charles Yorke were opposed by the Hon. Thomas Brand, son of Baroness Dacre, the present member for Hertfordshire.

At the final close of the poll the numbers were,

For Lord C. S. Manners - 1941

Right Hon. C. Yorke - 1435

Hon. Thomas Brand - 559

This demonstrates the powerful influence of these two noble peers, and that the independent interest of the county is not in proportion of one-third to the weight of this coalition.

Upon Mr. Yorke accepting a place in 1810, and thereby vacating his seat, his unpopularity was so great, that his brother thought it advisable to withdraw his support from him, upon which Lord Francis Godolphin Osborne, brother to the Duke of Leeds was unanimously chosen.

The number of freeholders polled at the last election, was 2644; at the former one 3092; and at the general election in 1780, the total of the poll was 4251.

UNIVERSITY OF CAMBRIDGE.

This University, was first founded in the year 630, by Sigebert, King of the East Angles, but the colleges were not begun to be built or endowed, till the reign of Edward the First; before that time, there being only inns for the reception of the students.

Though the colleges and halls are not so numerous as in Oxford, the fellowships are as well, if not better, endowed; and though the buildings are chiefly of brick, (through the want of good stone) they excel those of Oxford in gardens and walks. Indeed there is one fabric, viz. King's

College Chapel, which not only exceeds any architecture there, but may challenge the pre-eminence of any such building in England.

James the First, by his charter, dated the 12th of March, in the first year of his reign, granted power to the chancellor, masters, and scholars of the two universities, to elect and return two persons in each, to represent them in Parliament. He also by act of parliament in the third year of his reign, vested the universities with the right of patronage, disposition, &c., of ecclesiastical livings, schools and hospitals, belonging to papists, recusants, throughout England and Wales; upon a division of which, these twenty counties, being half the shires in England, also these seven in Wales, were allotted to the share of Cambridge, the rest being in like manner, prescribed to Oxford.

Wood's
Hist. Antiq.
Univ.
Oxon. p.
443.

Keible's
Stat. p.
1008.

Bedfordshire,	Nottinghamshire,
Cambridgeshire,	Rutlandshire,
Cheshire,	Shropshire,
Cumberland,	Suffolk,
Derbyshire,	Westmorland,
Durham,	Yorkshire,
Essex,	Anglesey,
Hertfordshire,	Caernarvonshire,
Huntingdonshire,	Denbighshire,
Lancashire,	Flintshire,
Leicestershire,	Glamorganshire,
Lincolnshire,	Merionethshire,
Norfolk,	Radnorshire.
Northumberland,	

In the writs to the sheriffs both of Cambridge-shire and Oxfordshire, there is a clause for the election of members for the respective univer-

Glenbervie,
vol. i. p.
449.

sities, in which alone they differ from the general form.

RIGHT OF ELECTION—in the Doctors and actual Masters of Arts.

NUMBER OF VOTERS—1200.

RETURNING OFFICERS—the Vice Chancellor and Heads of Colleges.

At the election in 1806, on the death of Mr. Pitt, the numbers were,

For Lord H. Petty - - - 331

Lord Althorpe - - - 144

Lord Palmerston - - - 128

In 1807, he was again a candidate, when the numbers were,

For Earl of Euston - - - 324

Sir Vicary Gibbs - - - 316

Lord Palmerston - - - 310

Lord H. Petty - - - 265

TOWN OF CAMBRIDGE.

Cambridge is the capital of the county of Cambridge, distant from London 50½ miles by Barkway, 51 by Royston, and 56 by Epping. The town is about a mile long and half a mile broad. Most of the streets, as well as the buildings are irregular. It contains 14 parishes, and 14 parish-churches; 1,691 houses and 10,087 inhabitants, of whom 1,306 were returned as being employed in trade and manufacture, and 811 as belonging to the university. There is no manufacture of any consequence in Cambridge, and its trade consists chiefly in oil, iron, and corn. The markets are under the jurisdiction of the university, and are supplied in the most abundant

manner. The chief market-day is Saturday. Here are fairs on 24th June and August 14th.

REPRESENTATIVE HISTORY.

This town has sent members to Parliament from the 23d. of Edward I. till the present time without intermission. ^{Willis, p. 175.}

The election was made in the county court, as was the custom with all other boroughs in the reigns of Henry V. Henry VI. and Edward IV. Then, the whole community of a borough was summoned by the sheriff to make election of burgesses to represent them in Parliament, as we have shewn by the writs issued by the kings in those times, inserted in the first volume of this work. ^{Bohun, p. 73.}

The returns for this town from the 2nd of Henry V. are sometimes signed by twelve, at other times by eight, and fourteen electors; but that is no proof that those persons were the whole constituent body, as returns to Parliament are at this day frequently signed in the same manner.

The right of election according to Carew, has been admitted to be in the corporation, and freemen ever since the year 1620; such freemen obtaining their franchise by birth, service which means apprenticeship, or by favor of the mayor, and six aldermen, who assume a power of making whom they please freemen of this town, though we very much doubt the legality of freemen so created. In the East Retford case, decided in the Court of King's Bench in 1802, it appeared to have been the custom for two hundred and twenty years for the sheriffs and aldermen to make freemen in the same manner, till they became so confident of their possessing such a power, that they proceeded

to create forty-two honorary freemen at one time. This caused an information in the nature of *quo warranto* to be filed within six years, as the statute limits such information to that period after they obtain the freedom of any corporation. Upon hearing the same, the bailiffs and aldermen pleaded a custom of two hundred and twenty years : upon which it was observed that *it had been also customary to rob upon the high way for as many years, but that it was always the custom to hang the offender when he was detected.* The pretended right of the corporation to make freemen was proved to exist only in their own opinions, and judgment of *ouster* issued against the whole forty-two honorary freemen.

The petitions from this town have all been against bribery and the illegal making and admitting of freemen.

March 29, 1679. A petition of Sir Thomas Willis, complaining of undue practices in the election of burgesses for this borough.

No determination.

Nov. 25, 1708. A petition of Thomas Bendyshe, esq. complaining of undue practices in the election of John Huid Cotton, and Samuel Shepard, esqrs.

Resolved, "That John Huid Cotton, esq. is duly elected a burgess for this town."

———— "That Samuel Shepard, esq. is duly elected a burgess for this town."

———— "That Thomas Bendyshe, esq. is not duly elected."

Resolved, "That the said election is a void election."

March 26, 1715. A petition of Samuel Shepard, junr. against the return of Sir John Hind Cotton, and Thomas Sclater.

No determination.

April 4. The mayor of this town having been served with an order of the committee of privileges and elections to permit Mr. Shepard and Mr. Jenyns, or their agents to inspect the records, charters, and public books, &c., of this town, which he refused to obey,

Resolved, "That Mr. Charles Chambers, mayor of this town, having refused to obey the order of the committee, be taken into the custody of the sergeant at arms for his said contempt."

May 27. On the petition of Mr. Shepard, and Mr. Jenyns.

Resolved, "That Sir John Hind Cotton is duly elected."

Resolved, "That Thomas Sclater, esq., is duly elected."

The first resolution being read twice, was agreed to by the House.

The second resolution being read twice, was disagreed to by the House.

Resolved, "That Samuel Shepard, junr., esq., is duly elected to serve in this Parliament for this town. The return was ordered to be amended accordingly."

POLITICAL CHARACTER.

The leading man in this corporation is John Mortlake, esq., banker of the town. In the ministry of the Duke of Portland, he was the friend

of the coalition ; to support which, he caused additional freemen to be made : among these was the Right Hon. C. J. Fox. But having since seen the road to preferment much clearer through the medium of the Rutland interest, he caused, under that influence, a greater number of electors to be made. The minister has since seen the merit of Mortlake in such advantageous colours, as to promote him to the lucrative places of a commissioner of the tax-office and receiver-general of the post-office.

CORPORATION.

This town was incorporated by Henry I., and is governed by a mayor, high steward, recorder, twelve aldermen, two bailiffs, and twenty-four common council, who have a town clerk and other officers.

RIGHT OF ELECTION—in the Mayor, Bailiffs, and Freemen not receiving alms. Feb. 24, 1709.

NUMBER OF VOTERS—about 200.

RETURNING OFFICER—the Mayor.

PATRON—Duke of Rutland.

COUNTY OF CORNWALL.

CORNWALL is a county forming the southwestern extremity of the kingdom, surrounded on all parts by the sea, except the east, where it joins

Devonshire, from which it is separated by the river Tamar: its shape is angular, being in extreme length about 90 miles, and its breadth 25, but near the land's-end it does not exceed 7 miles. It contains about 758,000 acres of land, above one-third of which is uncultivated, and the remaining quantity nearly equally divided in tillage and pasturage. It contains 37 market-towns, 161 parishes, 32,906 houses, and 188,269 inhabitants, of whom 24,870 were returned as being employed in trade, manufactures, and handicrafts. It has 21 boroughs, but many of them are very insignificant places, and several of their markets are now disused. Return of assessment of the property-tax 1806, £1,335,228. Amount of the poor rates 1803, £72,446 being at the rate of 4s. 6 $\frac{3}{4}$ d. in the pound; and the average scale of mortality for 10 years appears to have been as 1 to 56 of the population. It is divided into nine hundreds, viz. East, Keriariar, Lesnewth, Penwith, Powder, Pydar, Stratton, Trigg, and West. The principal towns are Launceston and Falmouth: its rivers are the Tamar, Cober, Fall, and Camel. The climate is mild but much subject to damp. The soil in the low grounds is rendered fertile by manure, but the hills and moors are bare and unfruitful, and the black sea-air prevents the growth of trees: but this county has by far the pre-eminence in mineral productions, and in the quantities of fish, with which the sea and rivers abound. It has for many centuries been famed for its tin, and its commerce is deemed of such high importance, that special courts for regulating the miners, called Stannary courts, are

established in this and the adjoining counties. From these mines are derived the principal revenues of the Duke of Cornwall. In this county are some valuable copper-mines: it also produces lead, lapis calaminaris, soap-rock, and excellent potter's clay. The principal objects of fishery are pilchards, which supply not only the miners and poor with food, but vast quantities are cured and exported up the Mediterranean: the eastern part of the county produces good cyder. Cornwall lies in the diocese of Exeter.

REPRESENTATIVE HISTORY.

Carew, p.
184.

B. P. R. p.
107.

This large county is also a duchy, erected by King Edward the Third, and granted to his eldest son Edward, who was called the Black Prince, and his heirs, the eldest sons of the Kings of England. The sheriff is named by the Duke of Cornwall, and has his council and officers belonging to the duchy. It was represented in Parliament at the time of the first summons of Edward the First. In the 26th of Edward the First, it returned two knights of the shire, and burgesses for four boroughs only, to which many others have since been added, notice of which is taken in this history.

May 28, 1660. The committee for privileges and elections, on the double return for this county, report, That in respect of the sheriff of this county; his contempt in not attending the committee, to give them an account of his proceedings at the said election, upon several orders made by them, they resolved, "That the said sheriff of the county of Cornwall be forthwith sent

for in safe custody, to this House, in respect of his contempt, &c.”

“That this House do agree with the committee, that the sheriff of this county has miscarried himself at the said election.”

“That Sir John Carew, and Mr. Boscawen are duly elected, and do sit in this House.”

POLITICAL CHARACTER.

The boroughs of this county including the two knights of the shire, send no less than 44 members to Parliament. This strange extent of representative interest in so small a county may well appear extraordinary to those who only consider that the boroughs are very inconsiderable, with respect to their trade, wealth, and inhabitants; but who recollect not at the same time, that no county in England possessed such a temptation to the lords of the soil to obtain for its different towns these elective privileges. As the soil was internally valuable, the coasts convenient for navigation, and enriched with fisheries, and the produce of the whole county highly valuable, the owners of the territory could not better have secured to themselves these local advantages, than by the power of sending members to Parliament; by which they proportionably increased their own influence in the state as well as in each borough respectively. As the towns therefore increased in consequence, they obtained by degrees the privilege of representation. When they were capable of contributing to the taxes for which Parliaments were, by the Saxons, and have ever since

been assembled, the lords who possessed them had the best of all pleas to have those rights of elective franchise restored to them that were taken from all other cities, towns, and boroughs, except such as had the privilege dispensed to them by charter, or by act of parliament. Thus, in the latter end of the reign of Edward VI. seven boroughs were added; namely, Saltash, Camelford, West Looe, Grampont, Bossiney, Mitchel or St. Michael, and Newport. In the first year of the reign of Queen Mary, Penryn gained the like privilege; and in the fourth of the same reign, St. Ives. In the first year of Queen Elizabeth, Tregony was admitted; in the fifth, St. Germain's and St. Maw's; in the thirteenth, East Looe, and Fawey or Fowey; and in the twenty-seventh, Kellington or Callington.

The reason why so many, of modern date, were added, will best appear from the consideration that the duchy of Cornwall yields in tin and lands a larger hereditary revenue to the crown than any other county. Eight of these boroughs, namely, Saltash, Camelford, West Looe, Grampont, Bossiney, Tregony, St. Maw's, and East Looe, had either an immediate or remote connexion with the demesne lands of this duchy, formerly a link of much stronger union and higher command than at present: but it must be remembered that the county belongs immediately to the crown, only when the king has no son, who is Prince of Wales. Four other boroughs belonged to religious houses; but fell to the crown at the dissolution of the monasteries, in the reign of Henry VIII. These were Newport, which rose with Launceston Priory, and with it fell to the crown; Penryn,

which depended much on the rich college of Glas-tency and its lands, which had its manors alienat-ed by Edward VI. and restored by Mary, who gave the town the above privilege. St. Germain's, next to Bodmyn, was the chief priory in Corn-wall; and the borough of Fowey fell to the crown, with the priory of Trewardrith, to which it be-longed.

St. Michael belonged to the family of the Arun-dels, of Lanhern and St. Ives's; and Kellington, to that of Powlett; which connexions may dis-cover the rise of their privilege. Henry VII. re-duced the power of the ancient Lords; and ad-vanced that of the Commons. Henry VIII. enriched many of the Commons with church lands; and in the latter end of the reign of Ed-ward VI. the Duke of Northumberland, wanting to have a majority in the House of Commons, Cornwall seemed to him best adapted for his pur-pose, on account of the large property and in-fluence of the duchy: six towns, therefore, depend-ing on the duchy and church lands, and one borough belonging to a powerful family, were al-lowed to send 14 members. Queen Mary, in her short reign, admitted two more; and Queen Elizabeth six. It was no objection that these bo-roughs had little trade, and few inhabitants; for that rendered them more tractable and dependent, and therefore more fit for the control of corrupt influence than large and opulent towns, inhabited by persons of trade, rank and discernment. It is consequently evident why such towns as Bir-mingham, Manchester, &c., are not admitted to

exercise those privileges that have been suspended ever since the Norman possession of this country. They are too wealthy, independent, and enlightened, to be controlled by arbitrary influence; and, therefore, are not proper subjects for regal or ministerial bounty. Bounty! let the word be obliterated. It can be no bounty to restore to a people rights to which they have an indisputable claim from nature, and from their constitution. It must however be acknowledged that the above places were old boroughs, according to the legal acceptation of the word; that is, they had immunities granted them by their princes or lords, and exemptions from services in any other courts; with the privilege of exercising trades, and of electing officers within their own districts; they had also the property of lands, mills, and fairs: add to this, that most of them were part of the ancient demesnes of the crown, and had been either in the crown, or in the royal blood, from the time of the Norman Conquest. But all these privileges could not justly entitle them to the exclusive exercise of a right that was common, according to the primitive laws of the land, to every other tithing or borough in the kingdom. Granting these, the right was an unjust infringement of the same liberties that were denied to other towns and boroughs. It was more like the hostilities of depredation, than the equitable laws of government; for it was exactly the same as if certain towns were to be enriched, by a despoiling foe, with the plunder of what he had violently taken from others. Nor can the plea of their having been in possession of

the blood royal of the Normans ever since the Conquest, be admitted as a justification for their being suffered to resume their elective privileges, while any other freeman remains dispossessed of them. Representation was the right of all the free, and could not therefore be, with justice, granted exclusively to any. But their having remained in the possession of the Norman kings, only proves how long the violence existed which had first dispossessed the original owners of them. And surely the length of an usurpation cannot be admitted in reason, although it is too frequently admitted in law, as a sanction for injustice. That the proprietors were despoiled of the territory, could not be an equitable plea for disfranchising all other freemen that were not mediately or immediately their creatures. Therefore the admission of the boroughs of Cornwall to elective franchise from their being the dependents of sovereign power, was not dispensing or even restoring right: on the contrary, it was subjecting the inhabitants of the boroughs to the trouble and expense of choosing and paying representatives, that were only called to Parliament to be the tools of power, instead of the protectors of their constituents. Cornwall sending more members on the corrupt system of borough representation than any county, these few observations appeared to be necessary. The Cornish tenants take their lands for ninety years, determinable with the lives of three persons, named in the lease, for which they pay a fine to the lord of the soil. This method is adopted from their general inclination to be miners: for husbandry

was not, until lately, well understood there; and from the profits of the fisheries being precarious, the owner after a lucky year chooses to employ his gains in securing to himself a small certainty: he therefore deposits his gains with his landlord, from whom he either takes a new lease, or renews his old one. As moreover, the people on the sea-coast and the tinning parts constantly increase, it causes the dividing and splitting of large tenements; for every one is desirous to have any small share of house and land for his own life and that of his nearest relations. For a lease of three lives, the taker usually pays fourteen years value of the real annual profit of the estate; so that if it be worth ten pounds a-year, the tenant will not scruple to give one hundred and forty pounds fine, besides ten shillings a-year reserved annually to the lord: and in some parishes they pay twenty years value, instead of fourteen. In this manner, the ancient possessors of the land preserve it in themselves, and consequently all the influence which perpetual landlords take usually especial care to retain over their tenants, however changed by death, purchase, or forfeiture.

The noblemen who possess political influence in this county are the Duke of Bedford, Duke of Northumberland, Duke of Leeds, Earl of Darlington, Earl of Mount Edgecombe, Viscount Falmouth, Lord Clinton, Lord Elliot, Lord Grenville, and Lord De Dunstanville; but their weight arises more from the control they possess over the insignificant and decayed boroughs, than over the county. These noblemen send no less than

twenty-five out of forty-two members for rotten boroughs within its limits. The Duke of Bedford has transferred his interest in the borough of Camelford to the Earl of Darlington, and the Duke of Leeds is in danger of losing Helstone, as a bill has passed the House of Commons, and is now before the Lords, to extend the right of election to the hundred, in consequence of the corporation having, for many years, sold the representation to the highest bidder.

The county is as independent as any in England, and the gentlemen appear determined to keep it so. In this, and most other shires, when county meetings have been held to petition Parliament for redress of any grievance, it has been customary for the sheriff to summon only the freeholders, as if every other description of persons, because they are deprived of the right of voting, should be deprived of the right of petitioning also. The independent gentlemen of this county, however, signed a requisition to the sheriff to summon all the householders, as well as the freeholders, to the last county meeting. The sheriff refusing to comply with their request, a number of gentlemen took the opinion of eminent counsel on the legality of the proceeding, and called a meeting of all the inhabitants of the county, which was accordingly held at Bodmyn, and the business was conducted in the same manner as if the sheriff had called them together. Thus establishing the legality as well as the right of the people to meet upon all occasions, where they feel a public grievance.

The last contest for the representation of this

county was in 1784, when Sir William Lemon and Sir John St. Aubin were each candidates on the independent, and Mr. Gregor on the ministerial interest: after a strong contest, the numbers at the final close of the poll were as follow:

Sir William Lemon.....2250

Francis Gregor, esq.1270

Sir John St. Aubin.....1136

The ministerial candidate, therefore, obtained the second seat, but by a majority too inconsiderable to overturn the independence of this county.

SALTASH.

SALTASH, a borough and market town, in the parish of St. Stephen, and hundred of East, Cornwall, situated on the right bank of the Tamar, 220 miles from London; containing 153 houses and 1,150 inhabitants. It lies about three miles from Plymouth Dock, to which there is a ferry over the river, called the Crimble Passage. The town consists of three streets, and has a considerable trade in malt. The market is on Saturday, and its fairs are 2d February and 25th July.

REPRESENTATIVE HISTORY.

Although this town was chartered so early as Henry IV., it did not send members to Parliament before Edward VI.

March 19, 1678. A petition of Richard Carew and William Jenners, esqrs., against the undue return of Bernard Grenville and Nicholas Courtney, esqrs.

No report appears.

Nov. 3, 1680. A petition of Bernard Grenville and Nicholas Courtney, esqrs., touching the election for this borough.

No report appears.

March 26, 1715. A petition of Trevor Hill and Martin Bladon, esqrs., against the return of William Shippen and Shelston Calmady, esqrs., by means of the irregularities and partiality of the mayor and recorder of this borough.

March 17, 1716. Another petition of the said Trevor Hill and Martin Bladon, esqrs., in substance the same with the former.

No report appears upon these petitions.

Parl. 13. Thomas Bradshaw, esq., petitioned against the election of John Williams, esq. The chairman of the committee reported to the House, that the petitioner was duly elected, and ought to have been returned. The clerk of the crown ordered to attend, and the return was amended. June 8, 1772.

Parl. 15. Sir William Lemon, bart. and John Buller, esq., petitioned against the election of Sir Grey Cooper, bart., and Mr. Jenkinson. The chairman of the committee reported, that the sitting members were duly elected. Feb. 4, 1782.

———. John Buller, and several inhabitants, petitioned against the election of Sir Grey Cooper, in 1783. The chairman of the committee reported, that Sir Grey Cooper was duly elected. May 20, 1783.

Parl. 16. George, Lord Strathaven (eldest son of the Earl of Aboyne) and John Curtis, esq., pe-

tioned. Renewed the 2nd session. The chairman reported, that the sitting members were duly elected. April 25, 1785.

———. John Lemon, esq., and some of the burgesses, petitioned against the election of the Earl of Mornington. The chairman reported, that John Lemon, esq., the petitioner, was duly elected, and ought to have been returned. May, 1787. The clerk of the crown ordered to attend, and the return amended accordingly.

1802. A petition against Matthew Russell and Robert Deverell, esqrs.

1806. A petition against Matthew Russell and Arthur Champernoune, esqrs.

1807. An appeal against the above petition.

CORPORATION.

It was first incorporated by Charles II., who granted the inhabitants the privilege of being governed by a mayor, six aldermen, and thirty-three burgesses, although the number is now indefinite. These may choose a recorder, and elect members of parliament. The manor of the borough is vested in the corporation, who, upon the payment of £18, annually, enjoy the tolls of the markets, fairs, &c. A power was reserved in the crown, as in all other charters granted by this monarch, to displace, at pleasure, any mayor, alderman, burgess, town-clerk, &c. This was the tenure by which the electors in these places held their franchise; so that, by this mode of incorporating most of the boroughs in the kingdom, Charles possessed himself entirely of the elective influ-

ence. He was certain of having none but his friends chosen by these dependent boroughs, whose inhabitants had no other security for their tenures but obedience to the dictates of his pleasure. It is, however, proper here to observe, that this arbitrary principle, which had subjected the freedom of election in all such boroughs as were thus chartered by Charles II. to ministerial influence was, in a trial respecting Chester, decided about twenty years since to be nugatory. As, therefore, this city has thus emancipated itself from the fetters of court authority, it may be observed, that every other borough, in the same predicament, has the same means of redress.

On the 21st of May, 1773, the members of the corporation, whose whole number, at that time, was less than twenty, petitioned his present Majesty for a new charter: they stated the dissolution of the old charter, and their incapacity to continue it. A new charter was accordingly granted 7th June, 1774, in principle similar to that of Charles II., for it reserved the same power of displacing corporators at pleasure. The members named in this charter were most of them placemen in the dock-yard at Plymouth, or persons holding offices under government. Thus, by the creatures of corruption, the town of Saltash has again been rivetted to a servile dependence on every administration for the time being. Unless the corporation choose members in favour of government, they are liable to lose their civil distinctions and national privileges. When sovereign authority stoops so low as to dispense a

corporation-right on the conditions of dependence and servile obedience, to what a source of political integrity is a people to look for the restoration of suspended privilege? When every avenue of freedom is thus closed by the bar of arbitrary dictation, the people can have no hope to see their government restored. They may be as loud in complaining as they have been patient in suffering, without having their grievances heard, or their oppressions even lamented; for, while they have been remonstrating against their loss of privilege, the fetters of their bondage have been more closely rivetting. Surely, if any infringement of the constitution calls aloud for redress, it is that which corrupts and controls the very source of privilege. It is in vain to guard against the venal practices of representation, when every member is thus liable to be the creature of a court, returned by the servile dependents of every intriguing and ambitious ministry. When boroughs are therefore chartered, and by their own solicitations, on the condition of having the members of the corporation divested of elective independence, all security of freedom is lost; and nothing can possibly restore the constitution to its primitive integrity, but the unanimous sacrifice of all personal interest, whether of present possession, or future expectancy. Reform must not be sought for the purpose of supplanting one party in order to seat another; for, the same principles of influence remaining, rotten boroughs will again be obliged, on forfeiture of their offices, to make venal representations, to support the same attacks on a na-

tion's rights in one ministry which have been reprobated as the practice of others. Ministers, whoever they may be, according to the present state of corrupt representation, have, as we have already mentioned, no security for their seats but the most venal arts of influence. They dare not depend on the integrity of their measures, lest others, as ambitious as themselves, should surprise them, unguarded by their broad shield of influence, and cast them headlong from their heights of power and preferment. It is therefore seen, that every minister, whatever may be his professions when in opposition, avails himself of all the patronage and variety of influence to secure himself against the attacks which he has before levied against his predecessors in office: for this purpose are boroughs chartered on the principle of Saltash; and thus is corrupt influence extended, not only into the petty jurisdiction of a town-hall or market-place, but even into every avenue, great or small, divine or human, where the passions or senses of man are to be rendered subservient to artful intrigue and sinister design. The abuses, therefore, of representation must be in general reformed before the people can possibly be free. No constitution can be restored by one set of men being in place, unless it is by the joint effort and inclination of the rest aiding them in the laudable design: no persons possessed of power can restore this country to liberty, unless the principles of that power are first purified from ambitious influence and venal corruption. While the source of

oppression remains, every person possessed of power must be more than human to resist the temptation to exert an arbitrary authority. History scarcely affords an instance of any set of men, in the meridian of luxury, venality, and influence, sacrificing their power to patriotism. Even the revolution of France was the general act of a nation, not the sacrifice of a few individuals. All ranks, degrees, and professions, united in the universal sacrifice of despotism on the shrine of liberty: the soldier, lawyer, divine, statesman, and artizan, all conjoined in one unanimous effort to be free. Emancipation was the universal sentiment which animated the breast of the nation, and thus broke the bonds of slavery. It was a deed that required the whole strength of a people to form; and nothing short of the consolidated power of a nation could have effected the grand design.

RIGHT OF ELECTION

Four times resolved: "That the right of voting for the borough of Saltash is in the Mayor and free Burgesses of the same, being members of the corporation within the same, and in no others."

Three times resolved, "to be in the burgage-holders only." The final resolution is in favour of the burgage-holders.

NUMBER OF VOTERS—nominally 38, actually but one.

RETURNING OFFICER—the Mayor.

PROPRIETOR—John Buller, of Morval, esq.

POLITICAL CHARACTER.

Parliamentary influence has been an object of legal contention in this borough for more than twenty years. The question has been, whether the right of election was in the corporation, consisting of twenty-eight members, or in the freeholders of ancient houses or their sites, held by burgage-tenure, of which there are thirty-eight, and all of which are the property of John Buller, esq., of Morval, in this county.

This question has been seven times contested at different elections, and brought to issue by committees of the House of Commons since the passing of the Grenville Act. The determinations were, in the three first, favourable to the corporation; but the fourth decided the right to be in the burgage-holders. This produced an occurrence which, more strongly than any hypothetical argument, must convince the mind, that the present system of representation must remain incomplete until its innumerable imperfections are forced to yield to a radical reform. The Right Hon. Charles Jenkinson and Charles Ambler were returned by the corporation at the general election in 1785, and resolved by a committee, on Monday, the 25th of April, 1785, to be duly elected. A vacancy happened in October, 1786, by Mr. Jenkinson being created a peer, when the Earl of Mornington was returned by the corporation in his room; and Mr. Lemon petitioned against the said return, on the right of the burgage-holders. The committee appointed to try the merits of the

petition met on the 25th April, 1787, and, on the 6th of May following, reported to the House, that Mr. Lemon was duly elected. Thus two members were sitting in the House of Commons at the same time for the same borough, upon the right of different descriptions of electors, who had each of them been deemed ineligible in the same Parliament. But what is still more remarkable, and derogatory to all principles of constitutional consistency, is, that this error in the representation of Saltash still remained uncorrected. The committees have three several times seated the members chosen by the corporation, and once determined in favour of the person who had the suffrages of Mr. Buller's thirty-eight burgage-tenures; but neither of them were final.

Since the year 1807, the right of election has been again contested on behalf of the corporation by Lord Grenville, and by Mr. Buller in defence of his thirty-eight burgage-holds. The expense, we understand, has exceeded thirty thousand pounds. Three more petitions have been tried; two of them were decided in favour of the burgage-holders, and one of them again determined the right to be in the corporation. What difficulty can arise in a question of such little importance to every one, except the two individuals interested, as to keep alive a dispute for five-and-twenty years, at an expense altogether of above one hundred thousand pounds; to occupy the attention of no less than *seven committees* of the House of Commons for several weeks each time—not to examine how the rights of the people have been invaded in this monopoly

of their elective franchise, but to determine whether thirty-eight contemptible burgage-holds, belonging to one man, shall nominate the two members for Saltash, or whether about a score clerks and placemen in Plymouth dock-yard shall usurp a power to which neither of them have a shadow of right, but which is inherent in the whole people of Great Britain?

Four of these committees have decided that the right is in the corporation, and three others that it is in the burgage-holders; but the last determination, being upon appeal under the amended Grenville Act, is final.

This borough is involved in the same difficulties and obscurities as most other boroughs in the kingdom. Having destroyed that simple but general right of all tithings, which were originally boroughs, having a share in the legislature; charters have been made by succeeding kings, according to their separate views and interests, so as to have destroyed even the tenor and principle of each other. The endeavour to limit a privilege, which, by nature and justice, was, and should be, a common inheritance, has involved the municipal constitution of our boroughs in absurd perplexities, as well as exposed them to arbitrary encroachments. Saltash was chartered as a borough so early as Henry IV. by its lord Reginald Valletort, who was lord of the house of Trematon, within which Saltash is situated. A second charter was granted by Richard II., a third by Elizabeth, in which were recited the two former; and two others, which were granted by Henry IV. and Henry VIII.: in these

were granted the town with all its members and appurtenances, the ferry of the river, rents of assize, tolls, &c., and to be yielded to her heirs and successors, Dukes of Cornwall, for 18*l.* per annum, as a fee-farm rent: “ And that there should
 “ be in the same borough two burgesses of the
 “ parliament; and the mayor and free burgesses
 “ for the time being, as often as a parliament
 “ should be summoned, should have power and
 “ authority to choose two discreet and honest men
 “ to be burgesses of the parliament for the same
 “ borough.” This charter of Elizabeth was surrendered to Charles II. Jan. 1682-3, who, in consequence, granted another to them, dated 27 November, 1683, which entirely changed their constitution.

ST. MICHAEL'S, *alias* MITCHELL'S.

Carew,
p. 104.
Willis's
Notitia,
vol. ii. p.
155.

ST. MICHAEL'S is a borough situated in the parishes of Newlin and St. Enoder, Cornwall, 250 miles from London; containing about 30 houses and 160 inhabitants.

REPRESENTATIVE HISTORY.

This place was first summoned to send members to Parliament in the reign of King Edward VI., and has continued to do so, as Dr. Willis writes, to this time.

PETITIONS, &c.—May 21, 1622. On a report from the committee for elections, returns, and privileges, for this borough—

Resolved: "That Mr. Francis Buller is not duly elected."

"That Mr. Cosworth is duly elected, and well returned."

April 24, 1640. Resolved: "That Mr. Courtney and Mr. Chadwell are duly elected, and well returned, and are fit members to sit in the House."

May 5, 1660. On a report from the committee of privileges, &c. That Thomas Carew and Heneage Finch are returned by the proper officer, Resolved: "That Thomas Carew and Heneage Finch, esqrs., are duly elected."

May 11, 1689. The House finding that Charles, Lord Fanshaw, burgess for this borough, had absented himself from the service of this House, Ordered: "That Charles, Lord Fanshaw, be summoned to attend this House on Monday next."

— 13th. Resolved: "That Lord Fanshaw be discharged from being a member of this House."

June 20, 1689. A petition of Humphrey Courtney, esq. against Charles Fanshaw, esq., touching the election of a burgess for this borough, but the petitioner nor any one for him appearing,

Resolved: "That the said petition, for want of prosecution, be dismissed."

Oct. 25. A petition of Humphrey Courtney, esq. against the return of William Coryton, esq. by the under sheriff, contrary to the high sheriff's order.

Dec. 11th. Resolved: "That William Coryton, esq. is not duly elected a burgess."

March 25, 1690. A petition of Humphrey Courtney, esq. against the return of Anthony

Row, esq., he not being known by the electors, but procured his votes by bribery, &c.

Resolved: "That Anthony Row, esq. is guilty of bribery, in endeavouring to be elected a burgess, and that the said Anthony Row is not duly elected a burgess, which was agreed to by the House."

Dec. 2, 1695. A petition of Humphrey Courtney, esq. and Thomas Vivian, esq. against the return of Anthony Row and Thomas Dobson, esqrs.

No determination.

— 7th. A petition of Anthony Row, esq. against the return of Thomas Vivian and Humphrey Courtney, esqrs.

— 14th. Resolved: "That the indenture by which Anthony Row, esq. is returned is not duly affixed to the writ for electing members for the county of Cornwall, which was agreed to by the House."

Oct. 22, 1696. A petition from Anthony Row, esq. against the return of Humphrey Courtney, esq. deceased, and Thomas Vivian, esq.

Resolved: "That Humphrey Courtney, esq. deceased, was not duly elected. That Anthony Row, esq. is duly elected a burgess for this borough."

Nov. 30. Resolved: "That the merits of the said election be re-considered."

Feb. 4, 1697. Resolved: "That Humphrey Courtney, esq. was duly elected a burgess to serve in this Parliament for this borough, to which the House agreed."

Dec. 12, 1698. A petition of several inhabitants of this borough against the return of Sir John Hawles and John Povey, esq. by reason of divers illegal practices.

Also petitions from Sir Richard Blackham, bart. and Anthony Row, esq. to the same effect.

No determination.

Nov. 27, 1699. A petition of Anthony Row, esq. against the return of Sir John Hawles.

No determination.

A petition of Sir Charles Blackham against the return of Sir John Hawles and John Povey, esq.

No determination.

The House being informed that the petition of Anthony Row, esq. touching this borough, is different from the petition presented by him the last session,

Resolved: "That the petition is not the same in substance, which the House agreed to:" and

Ordered: "That the committee of privileges and elections be discharged from proceeding on the said petition."

Feb. 13, 1700. A petition of Sir Richard Vivian, bart. against the return of Anthony Row, esq., he having been formerly dismissed the House for bribery, &c., in this borough.

— 17. A petition of the inhabitants of this borough against the return of Anthony Row, esq.

March 20. The House proceeded in the matter of these petitions, and

Resolved: "That Anthony Row, esq. is not duly elected a burgess for this borough."

Resolved: "That Sir Richard Vivian is duly elected a Burgess to serve in Parliament for this borough."

Jan 3, 1701. A petition of the Honourable Philip Bertie and Francis Painter, esq. against the return of Sir Richard Vivian and Mr. Courtney.

No determination.

Oct. 24, 1702. A petition of William Courtney, esq. against the return of Renatus Bellot, esq.

No determination.

Nov. 2, 1705. A petition of Chester Nance, esq. against the return of Sir William Hodges.

Jan 12, 1706. Petition withdrawn.

RIGHT OF ELECTION.

This has been variously determined. In the first case which appears upon the Journals, the members were chosen by burghers, a name which does not at present exist in the borough. To this report it is also added, "the inhabitants condescended;" which proves, that the right being thus conceded by the inhabitants at large in favour of the burghers, they originally possessed the privilege as it was anciently by the inhabitants of every borough in the kingdom, before the right was exclusively granted to cities, towns, and boroughs, that were more immediately in the interest of royalty. The next case, which was in 1660, the members were chosen by two elizors, who were themselves chosen by the lord of the manor, and twenty-two of the freemen chosen by these two elizors.

The right of election was then disputed between them and the commonalty at large, which was decided by the House in favour of the former. Thus was the right of representation in this borough transferred from the people to the lord of the manor. Another contest did not arise for twenty-nine years afterwards. At this decision, the rights of the people seemed to have been so little understood, that neither the lord of the manor, nor the commonalty, appear to have asserted the least claim to the privilege. The dispute at this contest, in 1689, was between the inhabitants paying scot and lot and the housekeepers at large. The determination of the House of Commons was entirely different from what they had before determined in 1660: for now they, on the 12th of December, 1689,

Resolved: "That the right of election of burgesses to serve in Parliament for the said borough (*Mitchel in com. cornub.*) is in the lords of the borough, who are liable to be chosen portreves thereof, and in the housekeepers of the same not receiving alms."

Dec. 12, 1690, the same resolution was agreed to by both parties.

March 20, 1700. Resolved: "That the right of election of members to serve in Parliament for the borough of St. Michael's, in the county of Cornwall is in the portreves, and lords of the manor, who are capable of being portreves, and the inhabitants of the said borough paying scot and lot."

The constitution of St. Michael's is that of a

superior or high lord, and five mesne or deputy lords, who hold of him: the portreve, who presides in the borough, is one of the deputy lords, annually chosen to that office at the court-leet of the high lord. Although the words *freemen* and *commonalty* are used in the first resolution, yet St. Michael's is not, nor ever has been, a corporation.

NUMBER OF VOTERS—18.

RETURNING OFFICER—the Portreve.

PROPRIETORS—Lord Viscount Falmouth and Sir Christopher Hawkins, bart.

POLITICAL CHARACTER.

This borough was the joint property of Lord Viscount Falmouth and Sir Francis Basset, between whom a strong contest for superiority arose at the general election in 1784. At this contest, David Howell, esq. and Roger Wilbraham, esq. were candidates, on the interest of Sir Francis Basset; and Christopher Hawkins, esq. and Mr. Boscowen, on that of Lord Falmouth. The numbers on the poll were:

David Howell, esq.	27
Roger Wilbraham, esq. ...	21
Christopher Hawkins, esq.	21
Mr. Boscowen	15

A committee was however chosen, on the 15th of June following, to try the merits of this double return, which was made in consequence of the equality of numbers polled for Mr. Wilbraham and Mr. Hawkins. The counsel for the former strove

very hard to invalidate the election of the latter, on the plea of bribery committed by Mr. Curgenven, steward to Lord Falmouth. It was stated, that Mr. Curgenven resided with Mr. Hawkins, in the house of one of his lordship's agents, during the election; and it was proved that they canvassed the borough together, and that Curgenven asked the vote of one of the witnesses for Mr. Hawkins in his presence, and jointly with him. The committee were however of an opinion, that the agency of Mr. Curgenven was not sufficiently proved to admit this evidence of bribery (being a plea to invalidate the election of Mr. Hawkins.) Being therefore relieved from this accusation, his counsel proposed to strike off four votes from the poll of Mr. Wilbraham, which had been admitted by the returning officer, and to add one to that of Mr. Hawkins, which had, by the same authority, been rejected.

Upon the evidence adduced in support of this proposition, the committee decided, "That Mr. Hawkins was duly elected."

Since the above determination, Sir Christopher Hawkins has purchased Sir Francis Basset's property. Sir Francis has been created a peer by the title of Lord de Dunstanville, and this wretched borough is become the joint property of Lord Falmouth and Sir Christopher Hawkins, of whom each sends a member.

HELSTON, OR HELLESTON.

HELSTON, is a borough and market-town in the hundred of Kerriar, Cornwall, nine miles and a half from Penryn, and 276 from London, on the river Looe; containing 301 houses and 2,248 inhabitants, viz. 978 males and 1,270 females, of whom 415 were returned as employed in trade and manufacture. It has a market on Saturday, and its fairs are 13th March, 20th July, 9th September, 8th November, the second Saturday before St. Thomas's day, the Saturdays before Mid-lent and Palm Sunday, and on Whit-Monday.

REPRESENTATIVE HISTORY.

Helstone is part of the royal demesne, and is so called in Domesday Book. The townsmen held it of the kings of England, under a quit-rent of 13*l.* 6*s.* 8*d.*, which they pay for the toll, mills, and 33 acres of land adjoining: this was granted in fee-farm, by the charter of King John, A. D. 1200, of whom, for 40 marks and a palfrey, they purchased the liberty of building a guild, of paying no toll but in the city of London, of being impleaded no where but in their own borough, and of enjoying the privileges of the burgesses of Launceston Castle. Their fairs and markets were also granted them by the same king. Though this is so ancient a borough, it was not incorporated until the reign of Queen Elizabeth, who, by charter, appointed it to be governed by a mayor

and four aldermen ; these last were to be of the common-council, and are to choose 24 assistants. This charter was confirmed by Charles I., who farther granted, that the mayor for the time being should be recorder, and that the preceding mayor should have power to act as a justice of the peace within the borough, and keep a quarter-sessions. The manor belongs to the Dukes of Cornwall ; and Helston is one of the four stannaries or coinage towns.

This borough sent representatives to Parliament from the 26th of Edward I., who were chosen in the reign of Edward IV. by all the burgesses. After this we meet with no memorandums relating to it, until after the restoration of King Charles the Second.

Carew, p. 270.

4 Regist. p. 995.

PETITIONS, &c.—May 5, 1660. A report from the committee of privileges and elections for this borough stated, that Alexander Penthillick, and Anthony Rowse, esqrs. were returned in two several indentures, and that in their opinion they ought to sit.

June 27. Resolved : “ That the said election is void, to which the House agreed, and a new writ was ordered.”

April 2, 1690. A petition of Richard Hoblyn against the mayor of this borough, for refusing to accept the indenture signed by the electors.

No determination.

April 30, 1714. A petition of Samuel Ennys, esq., against the return of Thomas Tonkin, esq.

June 16. Petition withdrawn.

Parl. 14. Francis Cockayne Cust and Philip Yorke, esqrs., and several freemen, petitioned. The chairman of the committee reported, that Mr. Cust and Mr. Yorke were duly elected, and that the Marquis of Carmarthen and Mr. Owen were not duly elected. March 14, 1775.

Parl. 15. The chairman of the committee reported, that Philip Yorke and Jocelyn Deane, esqrs. were duly elected, and that Lord Hyde and William Evelyn, esq. were not duly elected. Feb. 19, 1781.

Parl. 17. The chairman of the committee reported, that Sir Gilbert Elliot, bart., and Stephen Lushington, esq., were duly elected, and that James Bland Burgess and Charles Abbot, esqrs., were not duly elected. December 22, 1790.

A REMARKABLE CASE.

In the above mentioned charter of Elizabeth, the freemen were to be elected out of the inhabitants, by the mayor, aldermen, and commonalty, or the major part of them; the aldermen, out of the freemen; and the mayor by the freemen, out of two aldermen nominated by the mayor and aldermen. *Commonalty*, in this borough, has been understood to mean *freemen only*; and there being no determination of the House respecting the right of voting, it has ever been assumed by the corporation.

In the same manner as we have seen the aristocracy improve every opportunity of limiting the rights of the people, or the opulent and powerful few usurp the powers of the many, we see the

little petty aristocracy of a mayor and four aldermen, in this borough, after limiting the extensive term *commonalty* to the meaning of freemen only, appropriate to themselves even the rights and privileges vested by the express words of the charter in the latter ; for, almost ever since the charter of Elizabeth passed, the mayor and aldermen, notwithstanding the provision therein made, assumed to themselves, and exercised, the exclusive power of electing freemen, to the entire disfranchisement of the rest of the freemen and commonalty.

This usurpation of privilege was attacked, in 1769, by two informations, in the nature of *quo warranto*, exhibited in the court of King's Bench against several persons of this borough, to know by what authority they were freemen, having been elected without the concurrence of the commonalty. The issue of these informations was not only fatal to the freemen so created, but finally to the corporation itself. The court of King's Bench having pronounced judgment of *ouster* against them, writs of error were brought in the House of Lords against it, where it was determined, "That the election of freemen could not be exercised by the mayor and aldermen, exclusively of the commonalty." The judgment of the King's Bench was therefore affirmed.

By the statute 9 Anne, chap 20, sect. iv. a discretionary power is vested in the court of King's Bench, to permit informations, in the nature of *quo warranto*, by the officer of the court, at the instance of private prosecutors. About thirty years since, the court thought proper to establish

a rule to guide their decision, by resolving never to grant informations against any corporator *who had possessed his franchise twenty years or upwards.*

Two of the aldermen and eight of the freemen having possession twenty years, the court in compliance would not grant informations against them; for they were all freemen *de facto*, although elected according to usage now determined to be illegal.

An information was exhibited against Richard Johns, the other alderman, for usurping the office of mayor.

Such being the state of the borough, a petition was presented to the king in council, in November, 1772, from several merchants, tradesmen, freeholders, and inhabitants of Helston, in which T. Glynn and T. Willis, two of the ten remaining corporators, joined. They stated the two charters, and the facts above mentioned, and alleged that the corporation was totally dissolved; praying therefore such relief as should be thought expedient.

This petition being referred to a committee of the privy-council, and afterwards to the attorney and solicitor generals, December 19, 1772, it was attended by counsel, both on the part of the petitioners, and on behalf of the major part of the subsisting corporators, who had entered a *caveat* against the petition. Upon the whole matter, they gave their opinion, that it would be inexpedient to advise the king to consider the corporation as dissolved, or to grant a new charter, while a competent number of freemen held their places in fact,

and unquestioned by any judicial process, and while it remained in suspense in a court of justice, whether the corporation might not continue itself by course of law.

Afterwards, in Easter-term, 1773, the cause alluded to was decided, and judgment given against Richard Johns; and in the month of June, of the same year, Hugh Rogers, the other alderman, died.

The corporation then consisted of only one alderman and eight freemen, and there was no mayor. On this change of circumstances, the agent of those who had petitioned, November, 1772, presented to the lords of the committee, a new petition, stating the alterations, and that he was advised, that *the corporation was totally and absolutely dissolved*, and incapable of preserving or continuing itself, and could never be revived or regain a legal existence, unless the king should think proper to grant a new charter of incorporation.

July 3, 1773. This petition was also referred to the attorney and solicitor-general, who were attended by counsel in favour of the petition, and by solicitors for those who opposed the petition.

August 1, 1773. They reported the state in which the corporation was at that time, they were of opinion, that it could no longer continue itself, and that it would be proper to advise the king to grant a new charter.

Upon this report, the agent for those who solicited a new charter presented another petition to the king in council, praying, on their behalf, that

certain alterations* from the charter of Elizabeth, stated in a paper annexed to the petition, might be introduced into the new charter.

In Nov. 1773, a petition was presented from 26 inhabitants, praying their names might be inserted as members of the corporation in the new charter.

Another petition was, at the same time, presented from seven corporators, who alone were then remaining, also one by Mathew Wills, in behalf of himself and the rest; setting forth that proceedings to obtain a new charter tended to injure the rights of the corporation, and, therefore, praying they might be heard, by their counsel, against the petition for the new charter.

Nov. 19, 1773. These two last petitions were referred to a committee of privy-council.

On Jan. 17, 1774, the attorney and solicitor-general, after counsel had been heard on both sides, reported, that it would be expedient and just for his majesty to grant a new charter on the general plan of that of Elizabeth, but with some of the additions and variations which had been proposed. The proposed alterations, of which they approved, were stated in their report; and two of them were, "That the freemen who, notwithstanding the charter, had been excluded from a share in the election of new freemen, should be expressly excluded by the charter." And,

"That, by the charter, a competent number of fit persons should be appointed freemen."

* See Douglas's History of Cases, 54, where the alterations are specified.

After some further opposition and hearings, the charter was granted, and bears date Sept. 3, 1774.

In the recital it is said, "That *the corporation* " *is now in danger of being dissolved*, and incapable of continuing itself, or of exercising and enjoying any of its liberties and franchises;" and this expression was substituted in place of words importing that it *was dissolved*, in consequence of the arguments of counsel.

A mayor, four aldermen, and thirty-one freemen, including the mayor and aldermen, were appointed *nominatim*, by this charter. Richard Johns was made an alderman; and the other seven remaining corporators of the old body were appointed among the new freemen.

This charter was accepted by those who were named, except the six old corporators, who had petitioned against the charter being granted, while those who accepted the charter, took their oaths and offices. The six, who rejected it, read a protest against the charter, and refused to act under it: they refused likewise attending at the ensuing election of the mayor; which office Mr. Rogers was chosen to fill on September 25. A general election approaching, the precept for electing members for this borough was sent by the sheriff to Mr. Rogers, who gave notice that the election would be on the 11th of October.

On the day of election, all the members of the new corporation, but the six who had refused the charter, voted for the two sitting members. These six protested against the legality of Rogers acting as presiding officer, and gave their votes at *his* poll

for Mr. Yorke and Mr. Cust. They afterwards proceeded by themselves to make an election of these two gentlemen. Richard Johns acted as presiding officer, and made a return, which was delivered to the sheriff. Rogers also made a return of the sitting members, which he annexed to the precept, and delivered to the sheriff. Johns's return was first received by the sheriff, who, advised by Mr. Sergeant Davy and Mr. Buller, annexed the return made by Rogers to the writ, and sent it by his agent to the clerk of the crown: he also sent him the other return by his agent, but not annexed to the writ. When the last-mentioned return was tendered to the clerk of the crown, he said he could not receive it, as it was not annexed to the writ. It was accordingly rejected, and sent back to Cornwall, but was produced by the under-sheriff at the trial before the committee; where

The counsel for the petitioners contended,—
1st. That the new charter was void, and that the only persons who had a right to elect members of Parliament for Helleston, were the subsisting freemen under the old charter.

2. That if the charter was valid, still the freemen appointed by it not having been in possession of their franchise a year before the election, they were, by the statute of the 3d of the present king, cap. 15, incapable of voting at the last election; and therefore the only competent electors, at that time, were the subsisting members of the old corporation.

They supported these positions by a variety of

arguments and references to the cases of Bewdley, Durham, Plympton, and Colchester.*

From these cases, the counsel said that it appears, from principle and precedent, that the old corporation existed when the new charter was tendered; that if there never had been a new charter, the old corporators had a right to choose the representatives for the borough; that the new charter having been rejected, it is to be considered as void, and as if it had never existed.

But if this doctrine had not been so clear as it had been shewn to be, still

The new corporators could not vote at the last election; having been made freemen within the year.—By the statute 3 Geo. III. it is enacted,
“That no person whatsoever claiming, as a free-
“man, to vote at any election of members to serve
“in Parliament for any city, town, port, or bo-
“rough, in England, Wales, and the town of Ber-
“wick upon Tweed, where such voter’s right of
“voting is as a freeman only, shall be admitted to
“give his vote at such elections, unless such per-
“son shall have been admitted to the freedom of
“such city, town, port, or borough, twelve ca-
“lendar months before the first day of such elec-
“tion.”

The counsel observed, that the present case was both within the words and the spirit of the statute: he stated, that if this act were only to extend to the freemen, not admitted to their freedom

* These cases are briefly stated in our account of the Boroughs respectively.

above a year, in a subsisting corporation, the greater mischief would still remain without remedy; for a minister would have it in his power to elude the law, by creating by charter such a number of freemen as would suffice to turn the election.

The counsel for the sitting members stated that,
1. When the new charter passed, the old corporation was totally dissolved.

2. The six who refused the charter could not be considered as acting, on that occasion, in a corporate capacity, but merely as individuals; and therefore their refusal did not affect the validity of the charter.

3. The votes of the members of the new corporation were not affected by the statute of George III.

A corporation is a political person which, like a natural person, is capable of a variety of actions: it may renew itself; it may acquire or grant lands, or personal property; it may sue or be sued, in a court of law; it may make laws and regulations for its own government, &c.

The power of creating corporations is in the king, by his prerogative royal. They all exist either by charter, or by prescription, which presumes a charter before the time of legal memory: they are created for the purpose either of trade, or the administration of justice.

Every corporation aggregate consists of certain integral parts, chalked out by the hand which formed it: if it ceases to have the form given it, or if any of its vital parts are lost, it is no longer in that

state in which it was endowed with its particular powers ; it is no longer that thing on which those powers were conferred ; and therefore it ceases to exist !

One essential attribute of a corporation is the name that must be employed in all acts done by the corporation. The name of the old corporation of Helleston was “ the mayor and commonalty ;” but, as there neither is, nor can be a mayor, the name is lost.

A corporation can only act, when assembled in a corporate capacity ; and there can be no legal assembly unless it be called by the mayor or chief officer, except in some particular cases where it is otherwise provided by act of parliament.

If this corporation had been possessed of lands and *ousted*, they could not have brought an action to recover them : if their tenant were in arrears for his rent, they could not distrain or sue for it ; if their mace were taken away, they could not maintain *trover* for it as a corporate body, though the person who had the custody of it might, in his private capacity, as an individual.

If the corporation were dissolved, the remaining individuals who had belonged to it could neither accept nor refuse the new charter, but as individuals ; and the refusal by six of them cannot include any body but themselves.

Having stated these particulars relative to the nature of corporations, the counsel next observed, that the eight subsisting corporators were chosen illegally ; and afterwards replied to the several cases of Bewdley, Plympton, &c. which had been

referred to by the petitioning counsel. He referred to the cases of Banbury, Tiverton, Carmarthen, and Maidstone,* as cases in favour of his clients.

He then concluded with observing that the situation of Helston called for a new charter; and the law officers, far from being reprehensible, did what was their duty to do, when they advised the crown to grant it. In granting it, the crown proceeded with the utmost deliberation and circumspection; counsel having been heard no less than six times in the progress of the business. The alterations from the old charter are such as were highly expedient; and *that* chiefly opposed, was proved to be convenient, by the constant usage of the borough ever since the first was granted.

If no new charter had been granted, the old corporations, must, *ex necessitate*, have chosen and returned two burgesses to Parliament; but, even in that case, they could not have claimed a legal title to vote; for it is impossible that men not chosen agreeably to the old constitution, should have a legal right to vote under it. Their votes *de facto* must have been allowed, merely that the representation of the nation in the House of Commons might not be defective: but now that absurdity is removed by the new charter.

The old corporators complain of that charter with an ill grace, since they are all thereby made members of the new corporation, when it was in the king's power to have left them all out of it. If no charter can be valid but by their acceptance, the

* See these cases in the History of the Boroughs respectively.

consequence will be, that those six men, and when five of them are dead the single one who survives, will send two members to Parliament; such an absurdity cannot be the consequence of legal principles.*

That the votes of members of the new corporation were not affected by the statute 3. of the present king, is clear from the words of that statute: the disqualification created by it regards persons admitted to their freedom within the year. A man never can be said to be admitted into what does not exist. Until those men were made freemen by the new charter, the corporation to which they belong had no existence; therefore they cannot be said to be admitted into it.

This is also clear, from the *spirit* of the act: the occasion of passing it is well known. The magistrates of Durham had grossly abused their power of electing and admitting freemen, by pouring in 600 during an election for members of Parliament. The legislature intended to prevent such abuses for the future; but there was no complaint at that time for any abuse of the prerogative, in creating freemen to serve election purposes. It is impossible to suppose that the Parliament ever had any view to freemen *created by charter*.

What would be the consequence of the construction of the statute, insisted upon on the part of the petitioners? Let us suppose the new charter

* If it be a legal absurdity for one person to send two members to Parliament, how came *Dame Packington* to send two members for *Aylesbury*?

to be void, and the sole survivor of the old corporators to die within a year before an election ; will it be contended that, in such a case, there could be no members of Parliament chosen for Helston under any new charter the king could possibly grant ?

The counsel for the petitioners, in reply, stated that to contend that the eight subsisting members of the old corporations were incapable of giving legal votes, was to say, that since the reign of Elizabeth, no man has either given a legal vote, or been legally elected for the borough of Helston, because, since that time, there have been no freemen who had any other title but what *they* have to their franchise.

The counsel then observed, there had been no judgment of law against them ; and the house always inquires whether the title of such voters has been questioned at law : if not, they never suffered such an impeachment against voters, in the open avowed possession of franchise. A reply was made to the cases of Colchester, &c. which had been referred to by the opposite counsel.

It was next stated, that the purpose of appointing the new corporators by name, could have been no other than to take them out of the operation of the statute of George III. But for the reasons already given, they were still within the meaning and spirit of that statute. A certain proof that the word "*admitted*" is not there used in a technical sense, is this ; that, in the very same sentence, the same word is used with regard to persons admitted to vote at an election. " No freemen shall

be *admitted* to vote at an election," &c. If the legislature had in that statute affixed any strict technical idea to the word, they would not, in the same breath, have used it both in its *technical* and *popular* sense. He concluded, by stating, in what the case of Caermarthen was not in point.

The counsel on both sides having finished their pleadings—

On Tuesday, March 14, the committee, by their chairman, informed the House, that they had determined,

That Philip Yorke, esq. and Francis Cust, esq., were duly elected, and ought to have been returned.

Accordingly, the order was made which is usual in cases of a single return, when the determination is in favour of the petitioners, viz.

“ Ordered,—That the deputy clerk of the crown
“ do attend this House (to-morrow morning), with
“ the last return for the borough of Helston, in
“ the county of Cornwall; and amend the same,
“ by erasing out the names of the Right Hon.
“ Francis Godolphin Osborne, commonly called
“ Marquis of Caermarthen, and Francis Owen,
“ esq., and inserting the names of Philip Yorke,
“ and Francis Cust, esq., instead thereof.”*

But the next day, when the deputy-clerk of the crown attended, according to the above order, Sir John Hynde Cotton, the chairman of the committee, acquainted the House, that the return upon which they had determined was not *that*

* Votes, p. 366.

then in the hands of the clerk of the crown, but was an indenture of return executed by Richard Johns, alderman of the said borough, and several other persons ; and which had been produced to the committee by the sheriff of the county. He then delivered Johns's return in at the table ; and the order for altering the other being discharged, a new order was made.

“ That the deputy clerk of the crown do amend
“ the said return, by taking off the file the inden-
“ ture of returns annexed to the writ for the
“ county of Cornwall ; and by annexing thereto
“ the indenture of return, executed by the said
“ Richard Johns, and others, and now delivered in
“ at the table.”

And this was done accordingly.*

CASE OF THE DOUBLE RETURN FOR THIS BOROUGH. The petitions of the electors alleged the same as the respective members returned. They were to the following purport :

That the Rev. John Pasmore, mayor, and several freemen of the borough, had voted for and chosen, by a great majority, Sir Gilbert Elliott, bart., and Stephen Lushington, esq., as members, to serve the borough of Helston in Parliament. That one Richard Penhall took upon himself to vote for, and elect, James Bland Burgess, and Charles Abbott ; and had, without any lawful authority, returned the said persons, although no other but the said Penhall had voted for the said James Bland Burgess, and Charles Abbott : and the she-

* Votes, p. 369, 370.

riff had accepted and annexed this last return to his writ, and transmitted it to the clerk of the crown.—That notwithstanding Penhall claimed to vote under the charter of 27 Elizabeth, yet he was not duly elected a freeman according to the provisions of the said charter; for he was elected by the mayor and freemen only, as all those were who had been ousted by a judgment in the King's Bench, although the corporation by the said charter is dissolved:—and that the said James Bland Burgess and Charles Abbot, have been unduly elected, &c. &c.

The petition of Richard Penhall stated to the following purport:

That, being the only surviving freeman of the ancient borough of Helston, he conceived the charter of 1774 to be a manifest violation of the rights and privileges of the members of the old corporation; that it had never been accepted by him and a majority of the old corporation: that, being the only remaining freeman of those who had rejected the new charter, he had voted for James Bland Burgess and Charles Abbot, esqrs., who were thereby duly elected; and accordingly he had executed an indenture of return of them to the said Richard Hitchens, who received the same. That, under colour of the royal charter, he and others had been rejected, John Pasmore had taken a poll, admitted such as had no right to vote, and had unwarrantably returned Sir Gilbert Elliot and Stephen Lushington, esq., and the sheriff had annexed to his writ, not only the return of the petitioner, but also that made by John Pasmore,

in prejudice of the said James Bland Burgess and Charles Abbot, who only ought to have been returned, &c. &c.

The petition being read,

Mr. Douglas, counsel for Sir Gilbert Elliot and Mr. Lushington, and also on behalf of the mayor, stated, that a gentleman had claimed to himself the exclusive privilege of sending two members to Parliament; and contended also, that he was the legal returning officer. He thought he might argue that one elector could not admit of a majority of voices. After stating several particulars relative to the ancient corporation, he observed that the question was, Whether the crown has a power to grant a charter against all opposition of the old corporators; and whether, if it be not accepted, it is valid? The court of King's Bench had decided that it was valid, and that Pasmore was the legal mayor. The committee had therefore that *desideratum* before wanted. While there were six freemen alive, they might be considered as the successors and representatives of the old corporation aggregate; and, in fact, they acted in an aggregate capacity. But, by the death of five of the six, there was a sole member of a corporation aggregate: here was a charter in terms, constituting an aggregate body, but which consisted of only one person. When the corporation was thus reduced to one member, he conceived it was gone, and that the right of voting was consequently at an end. He considered Lord Mansfield's doubt respecting the case of Colchester and Seaber as an extra-judicial opinion, and not deli-

vered with any certainty. But he thought the opinion of Lord Mansfield, in this particular, was completely negatived by that of Lord Holt, in *Ashby and White*, 952, who expressly says, "that the right of common, and voting for members of Parliament, are vested in the entire community." After defending this doctrine of Lord Holt, he stated, according to the same authority, the two sorts of electors contained in boroughs:—first, where the electors give their voices by virtue of burgage tenures; and, secondly, by their being members of the corporation.—If then the corporation is dissolved, when it has lost its head, and has not the power of perpetuating itself, how can it be said that the rights of individuals survive the body politic?

But surely it is the duty of the crown to preserve the representation of the people. When the old corporation was at an end, it was the duty of the crown to erect a new one; and this, according to Lord Holt, is the only way in which the crown can grant the privilege of sending members to Parliament. But, if it can grant that privilege, it can surely, by every principle of law, annex conditions and limitations to its grant, which is a voluntary act of its favour. The counsel then acknowledged the position of Lord Coke, in his 4 *Institut.* p. 48. that, "if the king doth newly incorporate an ancient borough which sent burgesses to the Parliament, and grant, that certain selected burgesses shall elect burgesses of Parliament where all the burgesses elected before, this charter taketh not away the election of the other.

burgesses." This, he observed, was when the crown tendered a new charter to a sound existing corporation, which might refuse or accept it at its pleasure; or to a borough by prescription, still retaining its prescriptive rights: but the old corporation being no more, the crown might surely limit the exercise of a former right. He contended that the new corporators, by extending the representation, instead of injuring the rights of the borough, did it the greatest service: nor should this power of the crown create the least alarm; the checks imposed by law on it, the previous investigation rendered the exercise of the right almost a judicial act; and that it was infinitely less liable to abuse than a corporation regulating itself. And the new charter was accepted on the most important condition of its acceptors having the valuable privilege of sending representatives to the senate of the nation.

Evidence was then examined to prove that Penhall and his brethren had been elected freemen by the mayor and aldermen, in exclusion of the *commonalty*, and that they were therefore illegally chosen.

On an objection relative to the reading of the petitions from both parties, on the proceedings for the new charter, it was acknowledged that, although the present times were not suspicious, there had been times when the rights of individuals and of corporations were by no means safe in the hands of the attorney and solicitor-generals, whose opinions they considered as given, in this instance, to their client, the crown.

The petitions being read, according to agreement, it appeared Penhall was one of those who opposed the new grant.

The committee determining, after some debate, on receiving evidence ;

A witness being called, said, that he attended when the business was agitated before the lord privy-seal (the Duke of Grafton), the lord chief baron Smith attended as assessor to his grace : the parties were then heard by counsel, and again before the chancellor, He allowed, on cross-examination, that the agent of the other party applied for a copy of the new charter, and the names of the new corporators, which was refused ; but this he knew only from the declaration of the agent. The acceptance of the new charter was then proved by all, except the six old burgesses, who refused.

Mr. East argued, that the present committee were not precluded in their judgment by the decisions of former committees, and contended that the question, Whether the right of voting in Helston belonged only to those of the corporation, had been virtually decided in the Court of King's Bench. He stated it as a general maxim, that the king's grants are to be upheld, if possible, and not to be deemed void, except from necessity ; and when upheld, are to be construed in the most liberal manner ; or, as the books express it, *usque ad plenitudinem*. (2 Inst. 496.) He considered the new corporation could be neither valid, nor the charter construed *ad plenitudinem*, if the old corporation was supposed to exist, and the charter did not confer the rights it meant to bestow. The

8 Co. p. 55.

10 Co. p.

67. b.

question therefore might be resolved into the three following inquiries:

First,—In what right Mr. Penhall claimed to vote?—The answer must be that of being an old corporator of the borough.

Secondly,—Does the corporation, of which he claims to be a member, exist in law? And,

Thirdly,—Supposing it does not, can a corporator have a right of voting, when the corporation by which he claims, has ceased to exist? In answer to the second question, which he considered the most material, he observed, corporations are not formed by the crown merely to bestow privileges on individuals, but to promote the happiness and interest of the public. When therefore they can no longer benefit the community, they shall forfeit the privileges granted to them for that beneficial purpose. The King's Bench had confirmed this principle, in the case of the King and Pasmore. He then enumerated the principal arguments used by the judges in that case. He contended, that not one of the powers which Mr. Justice Blackstone states as essential to a corporation, existed in that of Helston, when the new charter was granted. They had neither perpetual succession; they could neither sue, nor be sued; they could not purchase land; they had no common seal; nor could they make bye-laws for their internal regulation.

Vol. i. p.
75.

He next contended that, when one integral part of a corporation was lost, without the power of supplying it, the whole was dissolved. Among many authorities, he quoted that of Sir George

Treby, in the great *quo warranto* case respecting the city of London, who acknowledged that a corporation cannot exist by halves.

Mr. East then adverted to the several cases of Bewdley, Banbury, Tregony, Tiverton, Maidstone, Colchester, and Seaber, all as cases in point, except the latter; in which he stated, that the corporation being revived by a new charter, accepted by the members of the old corporation, the remaining *scintilla juris* was rekindled. In advert-
ing to the case of Banbury, he stated, that *the case of Lazarus* being then mentioned at the bar, doubting if he would have been restored to his estate after three days death, Lord Chief-Justice Parker said, that as the Creator only can raise a dead man, so none but the crown can raise a deceased corporation, which itself created. He added, *the corporation, in the present case* (Banbury,) *is not asleep, but dead*; and the expression *Lazarus sleepeth*, was owing to the intention of reviving him: but the expectation of *scire facias* to revive a corporation, or of a new grant, cannot be entertained.

In arguing upon this important subject, he stated, that Lord Holt expressly says, “ I am of opinion that a corporation may be forfeited if the trust be broken, and the end of the institution perverted.” Helston had forfeited one of its most sacred trusts, that of perpetuating itself; and therefore the corporation was gone beyond all possibility of revival. Mr. Penhall could not, consequently, claim a single right by virtue of a corporation which had forfeited all its rights entirely.

It was argued however in his favour, that although he had lost all right as a member of an aggregate body, and could not perform one act for the benefit of the community, for which his corporation was instituted, yet he could feed his cattle on the common, and come down in a post-chaise to exercise the invaluable right of voting for members of Parliament. Among other observations, this counsel stated, that if Mr. Penhall claimed, as an individual, he was silenced by the charter; if as a corporator, by the judgment of the King's Bench; there was therefore, in each way, a public record against him.

Mr. Partridge, counsel for Mr. Burgess and Mr. Abbott, who were chosen and returned by the only surviving member of the corporation of Helston, hoped to support their title upon principle, authority, and former decisions. After stating the nature and intention of the first charters, he observed, that, whether the members of the old corporation ought, in conscience, to have joined the inhabitants of the borough, who applied for the new charter, was not the question: they were certainly, however, in point of law, justified in their uniform opposition to the new grant. The officers of the crown never declared the old corporation was entirely dissolved: on the contrary, a great law authority inserted, with his own hand, in the draught of the charter, *that it was in danger of being dissolved*. He contended that the corporation of Helston was not dissolved by surrender of privilege, abuse, or negligence, or by the civil or natural death of *all* its members: and he denied that corporations were *ipso facto* dissolved,

whenever, from circumstances, they could not act in a corporate capacity. This was an inference that was not established by all the cases adverted to in its support: they only proved what must eventually happen; that, when bodies politic lose the power of filling up vacant offices, they must in time experience a total annihilation. Mr. P. then replied to all the cases, and stated in what they were not in point with the present question. In this part of his pleading, he observed, that Mr. J. Ashurst says, that, in the old cases, the word *dissolved* is used in an equivocal sense; but it is now contended, that it clearly means a total annihilation of all the rights of the community and its individuals: but a body politic may be dissolved *quoad* its corporate existence, and not *quoad* certain rights of its members; and justice undoubtedly requires, that, where a person has complied with all the terms and conditions of a charter, he should enjoy its benefits. Mr. Penhall being incapable of preventing judgment of *ouster* against others, ought not to be involved in their punishment. He was admitted a freeman in 1744. Until the year 1769, the charter under which he acted was unquestioned; nor had any process been instituted personally against him. What legal magic could, therefore, deprive him of rights vested in him so long, and so frequently exercised? The personal right of every corporator is of the greatest importance. As to the rights of a corporate body, vested in one individual, being absurd; the case of an abbot, whose convent is entirely dead, is a sufficient answer. The charter of

Elizabeth does not require the presence of a mayor at an election; if there be no mayor, the next senior alderman, and, in his absence, the next, or the senior freeman, is to preside. Where then, he asked, are we to stop, while any corporator remains? But should this be the case, under the charter of Elizabeth, the argument would be much stronger, were this charter removed; for, in the reign of John, a corporation existed in Helston without mayor or aldermen; and they sent members to Parliament before those offices were known to them: and in the reign of Richard II. they accounted with the crown as burgesses of Helston. The primary rights therefore remained, although their participation was extended to others, and, if the officers were removed, must revert to them alone.

Evidence being examined, proving the several returns that had been made by Penhall and his colleagues; that all returns were made by the sheriff, who added to the names of the members those of the manucaptors; that the corporation accounted with the crown *as burgesses of Helston*; and that the attorney-general had substituted, in the draught of the charter, the words *in danger of being dissolved*, instead of *absolutely dissolved*.

Mr. Law. Evidence being heard, this counsel said he was ready to meet the discussion *de novo*, in favour of his client, Mr. Penhall: he stated, Mr. Penhall's right was never questioned; his title was confirmed by 40 years possession, and had been acknowledged by the recorder under the new charter.

As to the mace and other insignia of office, they were gaieties, and not essential in the borough. Mr. Penhall, being the sole survivor, was a corporation in himself; which is justified by the civil law, from whence is taken the constitution of bodies politic. This appears by the Pandects, lib. 3, tit. 4, lex 7. § 2. "*Si universitas ad unum redit, magis admittitur eum convenire et conveniri; cum jus in unum reciderit, et stet nomen universitatis.*" So in the case of Sutton's Hospital, 10 co. many governors were named, and their survivors or survivor empowered to complete the number to sixteen; but it might be that the survivor should be required to act as sole governor. The new grant conveyed every thing to its acceptors, except the right of Mr. Penhall, as a member of the old corporation.

It was never said that the subject could, although the king might, be deceived by a grant from the crown. He then adverted to the cases of Colchester and Seaber; by which, he said, it appeared that a corporation might exist as an imperfect body, and by a species of palsy, like the human frame, retain some of its functions, although it had lost the exercise of others. But his friends seemed to contend, that it could only die by an apoplexy, and must perish at the first stroke. The right of voting, though first derived from the corporation, was a personal privilege; and the wages of the members not from the body politic, but from the individuals represented. So also the fee-farm rents, the 25 marks in evidence, were the personal debt of the individuals, and

therefore not levied on the lands of the corporation. The burthens being personal, so ought to be the privileges. In Bagg's case, therefore, it is said, "When a man is a freeman of a city or borough, he has a freehold in his freedom for life." Nothing then but his own act can divest him of this freehold. It might otherwise be said, that when, by act of parliament, a master of arts has the privilege of holding two livings, it would be lost to those who had taken their degree, should the universities be afterwards dissolved. Among other references to cases and authorities, he instanced Blackstone (I. 591), who says of corporations circumstanced as Helston, "I am of opinion, that the corporation is not dissolved, but only deprived of its magistracy; the freemen are still entitled to their rights of common, to votes for members of Parliament, &c. These privileges are not lost by the *ouster* of a mayor." After entering further into the discussion of all the cases, he concluded with observing, that the whole, in his opinion, proved "That a corporation could only be dissolved by the death of *all* its members." Many instances occurred in the *quo warranto* case of corporations having a *custos* added by the crown, when they had lost their mayor; which proved that, although they had lost an integral part, they were not dissolved; for the crown would not, like Mezentius, join the living with the dead. He trusted, therefore, the committee would agree, that the old corporation was still represented by Mr. Penhall, though it now appeared *Lacera crudeliter ora*.

Mr. Douglas, in reply, observed, that the word *burgesses* was not necessarily a term of incorporation; but that, according to Lord Holt, it frequently implied the tenants of burgage possessions: thus, the burgesses in Saltash are not corporators, and the grants are to them and their heirs, and not their successors. The case of the King and Pasmore clearly established, that when a corporation lost its power of action, and the crown, by a new charter, erected a body politic, possessing the rights of the former corporation, and addressed to a number of inhabitants, among whom are the remaining old corporators, the acceptance of the majority was binding on those by whom it was rejected. The rights of the corporation did not revert to the crown. They might be in abeyance, as a peerage descending to copartners, but which cannot be assumed until it is granted to one by the king. The operation of the charter might be to vest those rights in the new corporators, and to revive and perfect them in the old, by a species of *remittur*. The *certain purposes* for which the old corporation was said to exist, were to prevent their estates reverting to the donors, or escheating to the crown, and to preserve the possibility of having its rights revived; for though the right of common, and such other rights, were necessarily exercised by individuals, the corporation possessed the fee simple, or inheritance.

With respect to the hardship of the case, Mr. Douglas observed, that although it is hard that the rights of the innocent should be injured by

others, yet, if the law of England says, that sometimes must happen, individuals must submit.

The counsel and evidence being heard,

The committee, on Thursday, Dec. 23, informed the House by Sir Adam Ferguson, they had determined "That James Bland Burges, esq., and Charles Abbot, esq., were not duly returned burgesses to serve in this Parliament for the borough of Helston, in the county of Cornwall;" and also,

"That Sir Gilbert Elliot, bart., and Stephen Lushington, esq., were duly returned burgesses for the said borough;" and also,

"That the latter gentlemen were duly elected burgesses to serve in this present Parliament for the said borough, and also that the several petitions did not appear frivolous nor vexatious."

And the said determinations were ordered to be entered in the Journals of the House.

It was afterwards ordered,

"That the deputy clerk of the crown do attend the House forthwith with the double return for the borough of Helston, in the county of Cornwall, and amend the same, by taking off the file the indenture by which James Bland Burges and Charles Abbot, esq., are returned."

The new corporation of Helston was in the interest of the late Lord Godolphin, whose estate, upon his decease, descended to the present Duke of Leeds and his children; but his Grace, depending perhaps upon the decision of the first committee, who had determined in favour of the old corporation, had paid his attentions to Mr. Penhall, the only remaining corporator under the old charter,

and neglected the 36 acting under the new one. The new corporation sought, therefore, for two gentlemen, to endeavour to establish their right once more before a committee of the House of Commons. Sir Gilbert Elliot and Sir Stephen Lushington were candidates upon these conditions; and having been so very fortunate as to succeed, the Duke of Leeds became less remiss in his attention to this new body of electors. The estate of his Grace being in the neighbourhood, they have sought his approbation in the persons offered to their choice as representatives.

At the general election, 1812, a petition of certain electors against the return of William Horne, esq., and Hugh Hammersley, stating, that they were elected under the influence of the Duke of Leeds, who allowed the corporation an annual sum of money, on condition of their returning to Parliament two members under the nomination of his Grace. This being fully proved in evidence, a special report of this corrupt practice was made by the committee to the House of Commons, upon which a motion was made, that the attorney-general be ordered to prosecute his Grace George William Frederic, Duke of Leeds, for the said corrupt practices, which passed in the negative by a majority of three votes. A bill was then brought into the House of Commons to extend the right of voting for members of Parliament for the borough of Helston, to the freeholders of the hundred in which it is situated; this bill has passed unanimously three times through the House of Com-

mons, but, *by some unaccountable neglect*, has been suffered to remain on the table of the House of Lords till the two last sessions were ended, and now lies before their lordships for enactment.

CORPORATION.

By charter dated 4th Sept. 1774, granted by the present king, it consists of a mayor, four aldermen, and thirty-one freemen, including the mayor and aldermen.

RIGHT OF ELECTION—in the Corporation.

NUMBER OF VOTERS—31.

PATRON—Duke of Leeds.

ST. IVES.

ST. IVES is a borough, market-town, and chapelry, in the parish of Unylelant, hundred of Penwith, Cornwall, nine miles from Merazion, and $27\frac{1}{2}$ from London; containing 540 houses and 2,714 inhabitants, viz. 1,156 males and 1,558 females, of whom 117 were returned as employed in various trades, and 611 in agriculture. It stands on the west side of St. Ives Bay, in the Bristol Channel. Its market is on Wednesday and Saturday. Fair, Saturday before Advent Sunday.

REPRESENTATIVE HISTORY.

This borough first sent members to Parliament in the reign of Queen Mary.

PETITIONS. May 5, 1660. The committee of privileges and elections reported, "That John St.

Aubyn and James Praed, esqrs., being duly returned by the proper officer, they ought to sit."

"Agreed to by the House."

Dec. 14, 1698. A petition from several inhabitants against the return of Sir Charles Wyndham and James Praed, esq., by reason of the mayor arbitrarily refusing their votes for Sir Henry Hobart, insisting that the right of election was in the mayor, capital burgesses and assistants only, and would suffer no others to be polled,

No decision.

Nov. 16, 1699. A petition of several inhabitants to the same effect against the return of Sir Charles Wyndham.

No decision.

— 29. The House being informed that the petition of the inhabitants of this borough, touching the election for the said borough, is different from that presented the last session :

Ordered : "To be referred to the committee of privileges."

Dec. 14. Reported to be different in substance with the former petition touching the election for this borough, upon which it was

Ordered : "That the committee of privileges, &c. do not proceed any further."

Feb. 14, 1700. A petition of John Pitt, esq., to the same effect, against the return of Benjamin Overton, esq.

A petition of several inhabitants to the same effect, against the return of James Praed and Benjamin Overton, esqrs.

No decision.

Jan. 3, 1701. A petition of John Pitt, esq., to the same effect, against the return of Sir Charles Hawles.

No decision.

Oct. 24, 1702. A petition from John Pitt, esq., to the same effect, against the return of Richard Chandler and James Praed, esqrs.

Dec. 8. Resolved: "That the right of election of burgesses to serve in Parliament for this borough is in the inhabitants of this borough, paying scot and lot."

Resolved: "That Mr. John Hicks, mayor of this borough, is guilty of making a false return for this borough."

Ordered: "That the said mayor of this borough, for his offence, be taken into the custody of the sergeant at arms."

Nov. 25, 1708. A petition from Christopher Harris and James Tregeare, esqrs., against the return of John Praed, esq., for corrupt and illegal practices.

Dec. 23. Petition withdrawn.

Dec. 5, 1710. A petition of John Borlace, esq., against the return of John Hopkins, esq., by means of bribery, &c.

A petition from several inhabitants to the same effect.

No decision.

March 5, 1713. A petition from John Elford, esq. to the same effect.

A petition from John Hichens, sen., esq., against the return of Sir William Pendarvis, by means of bribery, &c.

Also a petition from the Right Hon. Lord Harry Pawlet to the same effect.

No decision upon these petitions.

Oct. 19, 1722. A petition from James Tregear and Henry Waller, esqrs., against the return of Sir John Hobart and Mr. Knollys.

No determination.

Parl. 13. James Johnstone, esq. petitioned, but afterwards withdrew it.

Parl. 14. Samuel Stephens, esq. and some of the electors petitioned. The chairman reported, that Mr. Drummond was duly elected, but that Mr. Stephens and Mr. Praed were not duly elected.

CASE OF BRIBERY.

On the 27th of April, 1775, a committee being met, two petitions were read, stating that, during the time of canvassing and the election, the two sitting members, and Mr. Praed's father, by themselves and their agents, gave and lent several large sums of money to many of the electors, in order to corrupt and cause them to vote for the said two sitting members; that they were guilty of other modes of bribery; that the returning officer had acted partially, by admitting voters who had no right, and rejecting others who had; and that, by these and other undue means, the sitting members had been chosen and returned.

The resolution of the House, respecting the right of election, was then read, and the following numbers of the poll were produced by the town-clerk :

For Mr. Praed	95
Drummond	78
Stephens, the petitioner..	71

The evidence proved that the sums of money advanced by Mr. Praed the father, to the voters, on their notes, payable with interest to the bank of Truro, were only colourable loans; that the voters received the money on condition that they should vote for his son and a friend; and that they were given to understand that, on this compliance, the payment of their notes would never be demanded; and that Mr. Praed, sen., was considered as the agent for both his son and Mr. Drummond. The petition therefore concluded that these two latter gentlemen were incapable of sitting for the said borough.

Evidence was likewise brought to prove that so many of the voters for the sitting members had been bribed, that the petitioners would be found to have evidently the majority of legal votes. It was likewise stated, that Mr. Stephens ought to have had 40 more votes, of which he was unjustly deprived, by this number of voters in his interest not being rated, although they had rateable property. But to this evidence being given, the counsel for the sitting members objected; for they offered to prove that all the persons rated for St. Ives during the last five years, were so on the last occasion of making the rate, except two, who had been struck off in consequence of their own application, stating the narrowness of their circumstances, and begging to be relieved from the land and window-tax: that none of these 40 persons, ex-

cept two, had appealed against the rate of January, 1774; and that, on their appeal, the rate was confirmed; that the determination in the case of Milborne Port, which had been quoted by Mr. Stephens's counsel, was, that when a man has been *de facto* rated, and is possessed of rateable property, and has paid the rate, such person is within the description of one paying scot and lot, although the overseers may have been illegally appointed. But it never had been pretended before, that men, circumstanced as those proposed to be added to the poll, could vote as scot and lot men; nor could it be imagined that the committee would transform themselves into overseers of the poor, and make a new rate for the borough of St. Ives. This power was vested, and so discretionary, in the parish officers, that even the court of King's Bench would not attempt to control it, unless on the plea of gross misconduct and partiality.

The counsel for the petitioners answered, that it could be proved some of the persons in question had applied to be rated, and had been refused, and therefore they had acquiesced in this conduct of the overseers. And as it could also be proved that the four justices who appointed the overseers were in the interest of the Praeds, they did not appeal, from being convinced they would have obtained no redress. It was likewise stated, that the sitting member himself was one of the four justices; and that the appeal which had been brought by the two was only colourable from these persons being the partisans of Mr. Praed, and the

appeal being only made as an advantage to be taken on the present occasion.

The committee asking if it was meant to prove any misconduct or criminal partiality in the overseers were answered in the negative. The chairman then declared they were of opinion,

“That persons, though possessed of rateable property, if they have not been rated, and cannot prove misconduct in the overseers in not rating them, are not entitled to vote.”

The counsel for the sitting members brought witnesses to prove that the petitioner himself had endeavoured to gain his election by giving or promising money to the voters.

In the course of the evidence one Wallis proved that one Noell said, in the presence and hearing of Mr. Praed's father, that Mr. Praed knew that he (Noell) could not take the bribery-oath, which was not contradicted by Praed.

This question was objected to.—It was said to be an established rule, that no evidence shall be admitted upon oath of what a man said when he was not upon oath. To break this rule would be attended with the worst consequences; for many men, who would not take a false oath, might be drawn to say things that are false in conversation, in the presence of a person placed on purpose within hearing, in order to relate afterwards, upon oath, what the other had said.

This rule was admitted by the counsel for the petitioners; but they, at the same time, said it did not apply to the evidence then offered; for that the witness meant to prove a declaration of Noell,

and a charge brought against him by Praed, and which was not contradicted, although declared in his hearing: it had therefore every appearance of truth. This kind of evidence was consequently admitted in every court of justice.

The committee over-ruled the objection.

May 8, 1775, the committee, by their chairman, informed the House, that they had determined

“That Mr. Drummond was duly elected; and that the election of one of the burgesses to serve in Parliament for the borough of St. Ives was void.”

And accordingly a new writ was ordered.

The manor of St. Ives was purchased by Sir Christopher Hawkins of Mr. Praed. It anciently belonged to the Ferrars family, from whom it descended to the Champernons, and from them, in the same manner to Lord Willoughby de Broke, whose co-heiresses marrying Blunt, Lord Montjoy, and Mr. Powlett, an ancestor of the Bolton family, it came, on a division of the estate, to the latter, by whom it was alienated.

CORPORATION.

The corporation consists of a mayor, recorder, twelve capital burgesses, twenty-four inferior burgesses, and a town-clerk.

RIGHT OF ELECTION.

Dec. 8, 1702. This was determined to be in the Inhabitants of the said borough paying scot and lot.

NUMBER OF VOTERS—183.

RETURNING OFFICER—the Mayor.

PATRONS—Sir Christopher Hawkins, bart., and Samuel Stephens, esq., of Tregarron Castle, near this borough.

TREGONY.

Carew,
p. 200.

TREGONY is a borough and market-town, in the hundred of Powder, Cornwall, three miles from Grampound, and 262 from London, on the bank of a small river, which joins the Fale, navigable for small craft from hence to Falmouth. It contains 128 houses and 937 inhabitants. The market on Saturday is only small; fairs, Shrove Tuesday, 3d May, 25th July, 2d September, and 6th November.

REPRESENTATIVE HISTORY.

Willis's
Notitia, v.
ii. p. 115.

Doctor Willis writes, it sent burgesses to Parliament in the 23d and 35th of Edward I., and sets down the names of those returned: but Mr. Prynne takes no notice of them. After this the Doctor admits no returns were made till the 5th of Queen Elizabeth, when their right was questioned.

April 1, 1690. A petition of Thomas Tonken, esq., and others, complaining that they had chosen John Pole, esq., to be one of their burgesses, yet the mayor returned two others to serve for this borough.

No determination.

Nov. 25, 1695. A petition from Sir Joseph Tredenham, knt., against the return of Francis Roberts and James Montague, esqrs., by means of bribery and menaces.

A petition of Seymore Tredenham, esq., to the same effect.

March 5, 1696. Resolved, "That Francis Roberts and James Montague, esqrs., are duly elected," to which the House agreed.

Jan. 3, 1701. A petition of Hender Silly, esq., against the undue return of Hugh Fortescue, esq., assisted by the mayor of this borough.

No determination.

Jan. 10, 1710. A petition of Thomas Millington, esq., against the return of George Robinson, esq., by means of bribery, &c.

Feb. 7. Petition withdrawn.

Parl. 7. James Cooke, esq., petitioner, withdrew his petition.

Parl. 10. John Turril, esq., petitioner, withdrew his petition.

Parl. 16. George, Viscount Lewisham, and John Bettesworth, esq., petitioned. Petition withdrawn, April 12, 1785.

Sir Jonathan Miles and John Nichols, esq., petitioned against the return of Mr. O'Callaghan and Mr. Wentworth, Dec. 21. The committee found the sitting members duly elected.

An election trick was played off upon the petitioners in the above cause, which we believe is not equalled in the annals of parliamentary delinquency. One Middlecoat, a publican of Tregony, had undertaken to bring Sir Jonathan Miles into

Parliament for this borough for four thousand guineas, and to defray all expenses incident to the election for that sum. Sir Jonathan, and his colleague Mr. Nichols, had a great majority upon the poll, but by the partiality of the returning officer a great many good votes were rejected for those gentlemen, and as many bad ones admitted for their opponents. This made a petition necessary, and Middlecoat employed one Edwards an attorney at Truro, to conduct the same. Mr. Edwards accordingly retained Mr. Plumer, now Sir Thomas Plumer; and Mr. Pell, now Mr. Sergeant Pell, prepared the petition, and got it regularly signed and presented to the House, and a day for hearing was appointed.

Sir Jonathan Miles had advanced Middlecoat a large sum of money to defray the expenses, and a much larger sum in notes to make up the doceurs agreed upon. The day for hearing the petition approached. Middlecoat had been sent off to Tregony with the speaker's warrants to bring up the witnesses, but neither Middlecoat, Edwards, nor the witnesses appeared. The committee were therefore obliged to declare the sitting members duly elected.

It has since been understood that the parties concerned in this transaction got two thousand five hundred pounds for their ingenuity.

The right of election in this borough being in Potwablers, or all the Housekeepers who have obtained a parochial settlement and provide for themselves, whether they live under the same roof or not, it has been the practice in this borough as

far back as we can recollect, and by the petitions which have come before the House, the same gross injustice appears to have always prevailed, for the Returning Officer to refuse as many good votes for the party he was adverse to, and admit as many bad ones for the persons whose interest he espoused as should make the majority preponderate as he pleased. This borough being two hundred and sixty-two miles from London, and the expense of conveying witnesses so great a distance, and providing for them during their absence, to establish the validity of the good votes, and disqualify the bad ones before a committee of the House of Commons, was attended with such an enormous expense, as many times to deter those who were otherwise duly elected from prosecuting their claim for redress. The pretences on which good votes were rejected were the most frivolous and unjust, and others were frequently admitted without any claim at all.

When Lord Falmouth, and Sir Francis Basset, now Lord de Dunstanville, contested this borough, every poor wretch who belonged to the parish was sought and caused to boil a pot, in order to qualify themselves as voters; but after Mr. Barwell, the nabob, had purchased up the whole place, he left the houses to tumble down as fast as they decayed.

The Earl of Darlington having purchased it of Mr. Barwell, his nomination of members was opposed in 1806, by Sir Jonathan Miles, and John Nichols, esq. as we have stated, and at the last general election in 1812, Colonel O'Callagan,

uncle to Lord Lismore, and Mr. Thornhill, of Derbyshire, were recommended by Lord Darlington, and opposed by Alexander Cray Grant, esq., and William Holmes, esq., who were supported by Lord Yarmouth, warden of the stanneries and the treasury. The two latter were returned by a great majority, and petitioned against by Colonel O'Callagan, and Mr. Thornhill. It appeared upon the hearing before the committee that a great deal of bribery had been committed, that five thousand pounds had been distributed among the voters, and that Mrs. Allen, the wife of a shopkeeper here, had given them money to pay their rents to Lord Darlington, which she *luckily found in a drawer*. The committee however declared the sitting members *duly elected*, but reported to the House that Thomas Crogan, a currier of Truro, had endeavoured corruptly to procure their return, for which he was ordered to be committed to Newgate. After he had remained there nine weeks, he was discharged on a motion made by Lord Archibald Hamilton, 22nd of June, 1813, refusing to acknowledge the offence for which he was committed, and declaring himself unable to pay the fees.

POLITICAL CHARACTER.

This is an inconsiderable village, without trade, commerce, or manufacture. The elective influence was some time contested between Lord Falmouth and Sir Francis Basset, as were the boroughs of Mitchell and Truro; but the parties having agreed to send one member each for the former, Lord Falmouth, who was lord of the great part of the soil

in this borough, sold his property, and with it transferred his interest to Sir Francis Basset, conditionally that Sir Francis should withdraw his opposition, and transfer his interest in Truro to his lordship. Matters being thus satisfactorily arranged, Sir Francis disposed of the whole to Mr. Barwell, the nabob, who afterwards sold it again to the Earl of Darlington.

CORPORATION.

In 30 Edward I. Henry de Pomeroy, then lord of the town, certified its right to a market, fair, and other privileges; which were allowed. In 19 James I. it was, by charter, incorporated. It is now governed by a mayor, seven capital burgesses, and a recorder.

RIGHT OF ELECTION.

This is in all the Householders *who boil the pot*, or, in other words provide for themselves, whether they live under the same roof or not.—(March, 1695.)

RETURNING OFFICER—The Mayor.

PROPRIETOR—Earl of Darlington.

TRURO.

TRURO is a borough, market town, and parish in the hundred of Powder, Cornwall, 8 miles from Grampound, 257 from London; containing 354 houses and 2,358 inhabitants, of whom 557 were returned employed in trade. It is situated at the

confluence of two rivers, which form a convenient harbour for small vessels. The streets are regularly built. Its principal traffic is exporting the ore dug from the neighbouring copper and tin mines. The markets are on Wednesday and Saturday, and its fairs are the Wednesday in Midlent week, ditto in Whitsun week, the 19th November, and 18th December.

REPRESENTATIVE HISTORY.

The history of this borough will elucidate the right of the people to universal suffrage in all the boroughs of England, antecedent to the limitation of that right by charters, the first of which was granted to Wenlock in the county of Salop, by Edward IV. Nov. 29, 1478. All royal charters before that period were limited to the government of the place; but, in this charter, the king, for the first time, assumes the power of delegating to the borough of Wenlock, a right to send *one* member to Parliament.

By universal suffrage was meant the universal right of every housekeeper; for such persons as were not resident housekeepers in a borough, were in all ancient proceedings called foreigners, and hence arose the terms "every borough and its forrens," used in most of the old charters.

This borough sent members to Parliament ever since the restoration of the right of boroughs, 23rd of Edward I., as is shewn by the returns. It probably did so from the 18th of that reign: but the returns from the 18th to the 23rd of Edward I. are lost, as we have stated in the first volume of

this work ; and it has continued to return without intermission from that time.

The right of election from that period to the 31st of Elizabeth, when they received a new charter, was in the "*Populace*," a word of the most extensive signification the English language can employ, and which in the several cases respecting the borough of Seaford was six times determined to mean all the inhabitant Householders, paying scot and lot ; but was here determined to mean only the Corporation, consisting of a Mayor, four Aldermen, and twenty capital Burgesses !

This was a borough in the time of the Saxons, as is proved by their first charter granted by Reginald, Earl of Cornwall, illegitimate son of Henry I., who granted to his free burgesses of Trevern, now called Truro, the same privileges they had in the time of Richard de Lucy, *Sac, Soc, Tol, Them, Jorfangthep*, all Saxon words, and that it should not plead, or be prosecuted in the hundred courts. It had afterwards charters from John, Edw. I., and Edward IV., who granted it a manor and hundred, and from Elizabeth, who created the select body or corporation ; for previous to the 31st of her reign, the inhabitants were stiled the mayor and burgesses. In the Abingdon case *burgenses* was determined to mean all the inhabitants. The right of voting was, therefore clearly in the mayor and burgesses, that is in all the inhabitants, till a committee of the House of Commons determined that the word "*Populace*" meant a corporation !

PETITIONS. March 25, 1681. A petition of

Sir Thomas Littleton, bart, and Thomas Cook, esq. touching the election of this borough.

No determination.

March 4, 1689. A petition of John Manley, esq., against the return of Sir John Ashurst: the mayor having got the precept, executed the same, without giving any public notice thereof.

No determination.

Oct. 6, 1690. A petition of John Manley, esq., to the same effect.

No determination.

Oct. 22, 1691. A petition of John Manley, esq., to the same effect.

Dec. 19. Petition withdrawn.

Oct. 19, 1722. A petition of Darell Trelawny, esq., against the return of Spencer Cowper, and Thomas Windham, esqrs.

No determination.

1784. Parl. 16. The Hon. Thomas Erskine, and Roger Wilbraham petitioned.

CORPORATION.

Truro was last incorporated by Elizabeth. It is now governed by a mayor, four aldermen, twenty capital burgesses, and a recorder. The mayor has great privileges; he claims being also mayor of Falmouth, the post-dues of which belong to this corporation. On the election of a mayor, the town-mace must, by custom, be delivered to the lord of the manor, until sixpence is paid for every house in the town, consisting of 400, as an acknowledgment.

RIGHT OF ELECTION.

In 1660,* this question was stated : “ Whether the Mayor, and four and twenty, or all the Freemen of this borough, have the right to elect.” The House decided in favour of the select number. The dispute, being revived in the year following, received the same determination.† In 1689 the same dispute arose, and was stated in the journals :‡ the question was, “ Whether the right of election was in the *populace* or select number.” It was contended that the word *populace* meant the greater body of the freemen, in contradistinction to the select number. Their decision was, like the others, in favour of the select number.

NUMBER OF VOTERS—25.

RETURNING OFFICER—the Mayor.

PATRON—Lord Viscount Falmouth.

POLITICAL CHARACTER.

The influence in this borough was, for some years warmly contested between Lord Falmouth and Sir Francis Basset : the latter gained the victory by *one vote*, in 1780; and the former by the same majority, in 1784 : but in consequence of their agreement respecting Tregony, Sir Francis discontinued his opposition in this borough ; and it is now understood to be entirely at the devotion of his lordship.

* 8 Journ. p. 69. † Ibid. p. 30. ‡ 10 vol. p. 141.

FOWEY.

FOWEY is a borough, market, and sea-port-town, in the hundred of Powder, Cornwall, 5 miles from Lostwithiel, and 239 from London; containing 213 houses and 1155 inhabitants, of whom 134 were returned as being employed in trade and manufacture. Fowey stands on the west side of a river of the same name, which, falling into the British Channel, forms an harbour capable of containing and receiving vessels of 1000 tons at all times of the tide. The inhabitants carry on a considerable trade in the pilchard fishery. For the present defence of the harbour three batteries have been erected at the entrance, which stand so high that no ship can bring her guns to bear on them. The market on Saturdays is well supplied with all kinds of provisions, fish, and vegetables. The fairs are on Shrove-Tuesday, the 1st of May, and 10th September. The toll of the market and fairs, as well as the quayage of the harbour, are vested in the corporation, on the payment of a fee-farm rent of 40s. Great quantities of tin are dug in the neighbourhood.

REPRESENTATIVE HISTORY.

This borough first sent members to a National Council in the 14th of Edward III. and then discontinued till the 13th Parliament of Elizabeth.

PETITIONS. April 6, 1571. Ordered an enquiry

concerning the validity of this and other boroughs to send burgesses to Parliament.

Dec. 12, 1698. A petition of Shadrach Vincent and Harry Ashurst, esqrs., against the return of Sir Bevil Granville, and Mr. Vivian.

No determination.

Nov. 16, 1699. A petition from the same Shadrach Vincent, to the same effect, complaining that Jonathan Tincombe, portreve of this borough had declared he would not return petitioner, "though he had even so many voices, but that he would return Sir Bevil Granville if he had but four."

Feb. 5, 1700. The House being informed that the petitioner is since dead—ordered:

That the committee of privileges, &c. be discharged from proceeding further in the said petitions.

Feb. 14, 1700. A petition from the mayor, recorder, and major part of the inhabitants of this borough, against the return of John Williams, nephew to Jonathan Tincombe, portreve of this borough, who admitted several persons to poll, who were not scot and lot men, but rather objects of charity.

No determination.

Jan. 13, 1702. A petition from the mayor, recorder, and inhabitants, to the same effect.

No determination.

Oct. 30. A petition of John Williams, esq. against the return of John Hicks, esq.

No determination.

Nov. 27, 1708. A petition of John Fortescue

Aland, esq. against the return of George Granville, esq. by means of undue practices.

No determination.

Dec. 8, 1711. Ordered a new writ for electing a burgess for this borough, in the room of Henry Vincent, esq. made a commissioner for victualling, and one in the room of George Henry Lord Duplin, made a teller of her majesty's exchequer.

Parl. 13. John Williams and Thomas Arthington, esqrs. petitioned. Renewed in the 2nd session, Feb. 7, 1770. The House resolved, "That the sitting members were duly elected."

Parl. 17. The chairman of the committee, who tried the double return, reported to the House that Philip Rashleigh, esq., and Richard Viscount Valletort, were duly elected.

CORPORATION.

Fowey is governed by a mayor, eight aldermen, a recorder, and two assistants. The mayor, while in office, and the next year, with the seven aldermen, are always justices of the peace.

RIGHT OF ELECTION.

May 5, 1701. Resolved (by the committee,) That the right of electing burgesses to serve in Parliament for the borough of Fowey, in the county of Cornwall, is in the prince's tenants* who

* Prince's tenants were defined on the 5th of March, 1701, to be such only as have been duly admitted upon the court-rolls of the manor, and have done their fealty.

are capable of being portreves of the said borough, and in such Inhabitants of the said borough only as pay scot and lot.

The right of election is understood to be in all the Inhabitants paying scot and lot.

NUMBER OF VOTERS—63.

RETURNING OFFICER—the Portreve, chosen by a jury of the prince's tenants.

PATRONS—Earl of Mount Edgecomb and William Rashleigh, esq.

POLITICAL CHARACTER.

It is one of the feudal tenures belonging to the Prince of Wales, as Duke of Cornwall. The property is principally in William Rashleigh, esq. A very powerful and expensive opposition was made to his interest in 1784, by Lord Shuldham, and Sir Ralph Payne, who were supposed to have the good wishes of the prince himself; but, after several law-suits on abstract points, it was last session finally determined, by a committee of the House of Commons, in favour of Lord Valletort, son to the Earl of Mount Edgecomb, and Philip Rashleigh, esq., uncle of the present patron.

A number of surreptitious votes were polled at the last election. The parties each set up a returning officer, who admitted all the votes tendered in favour of their principals respectively; but the committee reduced the number to 63, and specially reported to the House, under the authority of the amended Grenville Act on the 7th of March, 1791.

“ That the portreve of the borough of Fowey is

“ the returning officer for the said borough ; and
 “ that it is necessary that such returning officer
 “ should be chosen or presented by a homage-jury
 “ of the prince’s tenants, duly admitted on the court-
 “ rolls of the manor of the said borough : and that
 “ the prince’s tenants, admitted by the steward or
 “ deputy steward, at the court holden in the said
 “ manor, are duly admitted ; and that the present-
 “ ment of the homage* is not necessary to such
 “ admission.”

The chairman of the committee which tried the petition against the merits of Mr. Rashleigh’s and Lord Valletort’s election, reported “ That the persons entitled to elect the portreve of the borough of Fowey, are those who are capable of holding that office, that is, such prince’s tenants only, as have been duly admitted on the court-rolls of the manor of the said borough, and have done fealty, and

* The ancient presentment of homage is, according to Lyttlton, the *most honourable* and *most humble* service of reverence that a free tenant can make to his lord ; for, when the tenant shall do homage, he shall come ungirted, and his head uncovered, while his lord is sitting ; and the tenant shall kneel before him on both his knees, and hold his hands jointly together, between those of his lord, and thus shall say — “ I become your man, from this day forward, of life, and member, and of *earthly worship* ; and unto you I shall be faithful and loyal, and owe you faith for the tenements I claim to hold, saving the faith I owe to my king.” And then the lord so sitting shall kiss him. *Remark.*—How low was the natural dignity of man reduced by this abject submission, caused by the feudal system ! But how must the mind of the subject have been debased, when such servility could have been deemed the most honourable service that a free-man could pay to his lord !!!

held immediately of the Duke of Cornwall, as parcel of his said manor of the said borough and whose titles to those lands have been presented to a court-baron by a sworn homage or jury of the freeholders of the said manor, 21st March, 1792.

BOSSINNEY,

Known in this county by the name of Tintagel, a small hamlet, containing 16 houses, and these no better than cottages. This with Trevenna, another little hamlet equally mean and inconsiderable, lie in the parish of Tintagel which has 649 inhabitants. It is 4 miles from Camelford, and 232 from London.

REPRESENTATIVE HISTORY.

This insignificant borough never sent members to Parliament until the 6th of Edward VI. It was made a borough by Richard, Earl of Cornwall, the brother of Henry III. and the right of voting, according to Browne Willis, esq., and every other authority we have seen, is in every person possessing a right of freehold within the said borough, the limits of which extend over the whole parish of Tintagel, which is the ancient name of the borough, and the name used in all returns.

This borough never had a charter; but has a person calling himself a titular mayor, who neither pretends to possess the power of a magistrate

nor even of a constable ; but who officiates only as returning officer at elections. He has also associated about him, a select number of the freeholders of Tintagel, whom he calls freemen, or burgesses ; and who are of so much importance, that we think it necessary to give a list of their names, as they have assumed to themselves the right of electing members, exclusive of the freeholders of the borough, who are ten times their number : yet these freemen have no charter, nor any resolution of the House of Commons to sanction their claim.

SELF-CREATED CORPORATION.

William Symonds, generally the titular mayor.

John Symonds,

Thomas Symonds,

William Symonds,

—— Symonds,

William Avery,

Thomas Avery,

Thomas Glanville, his son-in-law.

William Brown.

} His sons.

} His nephews.

These nine men, eight of whom are of one family form the whole constituent body of the borough of Bossinney, *alias* Tintagel.

The following eight revenue officers, belonging to the custom-house at Padstow, form also part of this self-created corporation, but are disqualified from voting by Mr. Crew's bill ; the operation of which disfranchised the whole of this body, and left only *one solitary individual*, whose name was

Arthur Wade, in the year 1784, to exercise the important function of choosing two members of parliament. The family of Wade composed this titular corporation at that time, as the family of Symmonds does at the present instant.

William Taylor,

William Wade,

Stephen Wade,

Josias Robins,

William Bray,

Richard Avery,

James Martyn,

Thomas Brown,

} Riding Officers.

Tide-waiter.

} Boat-men, all of the
customs, of the port
of Padstow.

PETITIONS, &c. Nov. 14, 1640. Mr. Maynard reported from the committee of privileges, &c. that there were several indentures returned for burgesses of this borough; the one returned by Mr. Coryton, mayor of this borough, and the others returned promiscuously.

Feb. 15, 1641. Resolved: "That the election of burgesses for Bossinney is totally void." Carew,
p. 102.

And the House does further declare, that they think it fit that there be six days notice given to the electors, after the precept comes to the hands of the officer of this town, before they proceed to the election.

May 16, 1661. Sergeant Charleton reported: "That Robert Roberts and Richard Rowse, esqrs., are duly elected, and ought to sit," to which the House agreed.

June 1, 1685. A petition of Richard Duck, esq., touching the election of this borough.

No report appears.

July 14, 1700. A petition of John Manley, esq., against the return of John Tregale, esq., by the said John Tregale, setting up one Nathan Williams as mayor, in opposition to Mr. William Taylor, the lawful and sworn mayor, and by various acts of bribery out of his majesty's revenue of the Duchy of Cornwall, whereof the said Tregale is receiver.

The said election declared void, and a new writ ordered.

CORPORATION.

It has no charter, but an assumed mayor, and an indefinite number of freemen or burgesses.

RIGHT OF ELECTION.—All who have free land in the borough, and live in the parish, are deemed freemen, and have votes at the elections of mayor and members of Parliament. Willis, vol. ii., page 119. (There being no charter, nor resolution of the House.)

NUMBER OF VOTERS—9.

PATRONS—Earl of Mount Edgcombe and James Archibald Stuart Wortley, esq., one of the present members.

POLITICAL CHARACTER.

To point out how this little body of nine self-appointed electors is acted upon is rather difficult. As eight of them belong to one family, it may

easily be conceived how they keep the secret; but as it has been proved before the House of Commons, that the Duchy Court was once robbed by a candidate to bribe this borough, it is a proof they were not always immaculate.

PENRYN.

PENRYN is a borough and market-town, in the parish of St. Gluvian's, hundred of Kerriar, Cornwall, situated on an eminence at the mouth of the river called the King's Road which runs into Falmouth harbour, three miles from Falmouth, and $266\frac{1}{2}$ from London; containing 294 houses and 2,324 inhabitants, viz. 1,919 males, and 1,404 females, of whom 197 were returned as being employed in trade; but its principal business is in the pilchard and Newfoundland fisheries. It is reckoned the granary of the south-western part of the county, having considerable warehouses generally well stored with flour and grain from the Isle of Wight and Hampshire. The market days are on Wednesday, Friday, and Saturday. Fairs, 1st May, 7th July, and 21st December.

Willis,
v. ii. p. 106.

REPRESENTATIVE HISTORY.

This borough never sent members to Parliament till the 1st of Mary, and was incorporated by James I. in the 18th year of his reign. A new charter was granted by James II., which vested the election of members in the magistracy only, but this they refused to accept. A custom is said

Willis, v. 2.
p. 106.

to have prevailed here for the steward of the Bishop of Exeter, who is lord of the manor of this borough and its forrens or out borough, to send his precept to the portreve, or mayor, to return two Elizors, or principal men of the place, who were to elect twenty-two more, to make up a jury upon all law court-days, to execute the town business, and choose the members ; but this has been long rejected. The sheriff's precept is still directed to the portreve, who for many years has been the same person who executed the office of mayor.

Willis, vol.
iii, p. 10.

This borough is also said to have made one return the last year of Edward VI., and to have been made a borough by Henry III.

Carew, p.
44.

PETITIONS. Oct. 25, 1680. A petition of Francis Trefusis, and James Vernon, esqrs.

No determination.

March 2, 1681. A petition of Samuel Rolls, and James Vernon, esqrs., touching the election for this borough.

No determination.

Feb. 10, 1698. A petition from James Vernon, esq., against the return of Alexander Pendarvis, esq.

No determination.

Dec. 5, 1710. A petition of Francis Godolphin, esq. (commonly called Lord Railton) against the return of Alexander Pendarvis, and Samuel Trefusis, esqrs.

No determination.

Parl. 9. John Viscount Glenorchy, and John Clavering, esq., petitioners, petition withdrawn.

Parl. 15. Several of the electors petitioned

against the sitting members, but the petition was not renewed the second session.

Parl. 16. Joshua Smith and Richard Jackson, esqrs., petitioned, renewed the second session, when the committee found that the sitting members were duly elected.

In 1806, John Bettesworth Trevanion, esq., and William Wingfield petitioned against Sir Christopher Hawkins. This was tried, and Atkyns Wright, esq., the chairman, reported to the House Feb. 4, 1807:

“That it appeared to the committee that Sir Christopher Hawkins, bart., had by himself and his agents been guilty of bribery and corrupt practices to influence the last election for the borough of Penryn.”

The House thereupon ordered the said Sir Christopher Hawkins to be prosecuted by the Attorney-General.

CORPORATION.

James I., in the 18th year of his reign, incorporated this borough. The body consists of a mayor, eleven more aldermen, and twelve burgesses, with power to choose a recorder, steward, town-clerk, two constables, and two mace-bearers.

RIGHT OF ELECTION

Is in the Inhabitants at large who pay scot and lot.

RETURNING OFFICERS—the Mayor who is also Portreve.

NUMBER OF VOTERS—140.

PATRON—Lord de Dunstanville.

POLITICAL CHARACTER.

In 1784, this borough was under the joint influence of the Duke of Leeds, and Sir Francis Basset, now Lord de Dunstanville, but an agreement was said to have been entered into between these two noblemen not to interfere in each other's boroughs of Helston and Penryn, in consequence of which Lord de Dunstanville became sole patron of the latter borough.

His lordship's interest was however disturbed at the general election in 1802, by John Milford, of Exeter, esq., and Henry Swan, esq., who opposed his lordship's nomination of the late Sir Stephen Lushington, and Sir John Nicholl, and obtained a majority of legal votes upon the poll. A number of names however were by some means intruded into the poor rate the night before the election, and admitted the next day to vote, which made the numbers on the poll appear as follow :

Sir Stephen Lushington.....	94
Sir John Nicholl.....	89
John Milford, esq.....	81
Henry Swan, esq.....	62

A petition was accordingly presented against the return, and actions for bribery to an enormous amount were commenced; but a compromise was afterwards effected before either of them came to trial; for which the injured party is said to have received ten thousand pounds besides having all their expenses reimbursed.

Lord de Dunstanville, to whom many of the voters are tenants upon leases for lives, has still

the controlling interest in this borough; but Mr. Swan has continued one of its members.

Sir Christopher Hawkins has also endeavoured to establish an interest in this borough; but without success.

LAUNCESTON.

LAUNCESTON, a borough, market-town, and parish in the hundred of East, Cornwall, 20 miles from Bodmin, and 213 from London. It is pleasantly seated on the side of a hill, on the river Tamer, and contains 223 houses and 1,483 inhabitants, 420 of whom were returned as being employed in various trades, &c. The winter assizes are held at the Guildhall in this town, the summer assizes having of late years been removed to Bodmin. Most kinds of provisions are both plentiful and reasonable, but coals are very dear. The markets are on Wednesday and Saturday, and the fairs the first Thursday in March, 3d Thursday in April, Whit Monday, July 5, Nov. 17, and Dec. 6.

Willis, vol.
ii. p. 18.

REPRESENTATIVE HISTORY.

This town was made a borough by Richard, brother of King Henry. It returned burgesses to Parliament the 23rd of Edward the First, and has done so to this time. In our account of Launceston, another borough called Newport is in some respects comprehended, both which are properly speaking in the parish of St. Stephen, whose church is the mother church to both places.

PETITIONS, &c. June 29, 1660. On the double return of Sir John Cloberry, and Edward Elliot, esq., it was resolved :

“ That Sir John Cloberry is duly elected.” To which the House agreed.

May 30, 1715. A petition of Sir William Pendarvis, knt., and Charles Stratham, esq., against the illegal return of Edward Hule, and Joshua Anstis.

Petition withdrawn.

March 27, 1716. On a motion for a new writ being issued for electing a burgess for this borough, to serve in the room of John Anstis, esq., appointed garter principal king at arms,

Ordered, That the letters patent by which the said office is granted to Mr. Anstis be laid before the House.

Not determined till

Dec. 7, 1717. When a new writ was ordered.

Oct 19, 1722. A petition of Thomas Smith, and John Willis, esqrs., against the return of Alexander Pendarvis, esq., and Dr. John Friend, through corrupt and illegal practices.

The House, being informed the said petition was delivered without Mr. Smith's privity or consent,

Ordered the said petition to be rejected.

A petition of the major part of the inhabitants within this borough, also shewing, “ That the right of election is in the Freemen, and those who have served legal apprenticeships with freemen of this borough, and no others.”

Resolved, “ That Alexander Pendarvis, and

John Willis, esqrs., are duly elected burgesses for this borough.

That John Friend, M. D. is not duly elected.

The said resolutions, with the resolution relating to the right of election being read twice, were agreed to by the House, and a new writ ordered for a burgess in the room of John Willis, esq., who has accepted the office of second justice of Chester.

Parl. 8. Sir William Irby, and Charles Wyndham, esq., petitioned, the former was voted duly elected, and the latter withdrew his petition.

Parl. 11. Peter Burrell, esq., petitioned against Sir John St. Aubin's election, and the House found that he was duly elected, and ought to have been returned.

CORPORATION.

The corporation consists of a mayor, recorder, eight aldermen, and an indefinite number of freemen.

March 17, 1723. Resolved, "That the right of election of the borough of Launceston, *alias* Dunheved, in the county of Cornwall, is in the Mayor, Aldermen, and Freemen, being inhabitants at the time they were made free, and not receiving pay of the parish.

Peckwell,
v. ii. p. 299.
20 Journ.
297.

March 24, 1734. Resolved, "That the aldermen of the borough of Dunheved, *alias* Launceston, in the connty of Cornwall, ought to be elected out of the legal freedom of the said borough only."

Peckwell,
v. ii. p. 301,
22 Journ.
429.

NUMBER OF VOTERS—15

RETURNING OFFICER—the Mayor.

PATRON—Duke of Northumberland.

POLITICAL CHARACTER.

The right of election being here in the corporation, it is, like all other boroughs where that right is so limited, under the control of a patron. His Grace the Duke of Northumberland, having purchased the estates of the late Right Hon. Humphrey Maurice, and the family seat at Werington, near this town, obtained the control of Launceston, and the command of Newport, which is a small place at the side of this town, and separated from it only by a current of water which the passenger steps over. Here are, however, two distinct boroughs, sending each two members to Parliament, and the right of voting is different; it being at Launceston, limited to the corporation, consisting of a mayor, eight aldermen, a recorder, and an indefinite number of freemen, who at present are only seven, making the whole number of electors fifteen; while, in Newport, the right of election is in about sixty burgage tenures, which are all the property of the Duke of Northumberland, whose steward, Mr. Richard Wilson, of Lincoln's Inn, attorney at law, is recorder of Launceston, and manager of Newport.

In 1795, the late Duke of Buccleugh, assisted by Mr. Rose, of the Treasury, obtained the patronage of this borough; all the members of the corporation, except five, allured by the glare of treasury-

sunshine, deserted the Duke of Northumberland, and elected Mr. Garthshore, under-secretary of State to the late Lord Melville. In the following year, the Duke of Northumberland recovered his influence by a majority of one vote. The numbers on the poll at the general election being, for

The Hon. John Randon.....12

James Brogden, esq.12

Earl of Dalkeith11

W. Garthshore, esq.11

NEWPORT.

NEWPORT is a borough in the parish of St. Stephen's, three miles from Launceston, and 214 from London.

REPRESENTATIVE HISTORY.

This borough is, in fact, a small part of the town of Launceston, but not within the limits of that corporation, being separated by a small rivulet. It never sent a burgess to Parliament until the 6th of Edward the Sixth, from which time it has continued so to do. The right of voting here is different from Launceston, it being there confined to "the mayor, aldermen, and freemen, being inhabitants at the time of their being made free, and not receiving pay from the parish:" but at this place, two persons called Vianders, are chosen yearly at the lord's court, who are the returning

officers; and these, with the inhabitants at large, being all those who pay scot and lot, or have burgage tenure in the district, elect the representatives. That this place retained the name of Dunheved, as well as Launceston, is plain from the first return of members; for anno 6, Edward VI., the sheriff of this county sent up members for Dunheved, *alias* Newport, and again, in the last Parliament of Philip and Mary; and anno 5, Eliz., members were returned for Dunheved, as well as for Launceston; and in one of the indentures it is called Villa Dounheved, *alias* Launceston, though, in some of the intermediate ones, it is named Newport, *juxta* Launceston, and in others Newport, as at this day. The Duke of Northumberland is lord of the manor, and owner of the greatest part of the borough. The remainder of it belongs to Mr. Carpenter, of Tavy House. This place, under the names of Newport and Launceston, sends as many members to Parliament as the city of London. Like East and West Looe in this county, Weymouth and Melcombe Regis in Dorsetshire, Aldborough and Boroughbridge in Yorkshire, and Bramber and Steyning in Sussex, they are only different names for the same places—split into two boroughs each, to answer the corrupt purposes of the times they were created to serve.

PETITIONS, &c. March 17, 1625. Sir John Finch reported Mr. Wylliam's Case.

Another report by the inhabitants for Mr. Wylliam.—He deserted the cause, and therefore the

committee were of opinion, that the indenture for Mr. Wylliam should be withdrawn.

No determination.

April 24, 1661. A petition of Henry Ford, esq., touching the election for this borough.

Ordered to the next meeting of the committee.

April 29, 1662. Information that the day appointed for the meeting of the committee, touching the election for this borough, would be too early, on account of Mr. Edgecomb being at a great distance.

Ordered: "That the matter be adjourned till the next meeting of the House after the recess."

Feb. 23, 1677. A petition of Sir Walter Yonge, bart., complaining of an undue return for this borough.

No determination.

May 23, 1678. A petition of John Coryton, esq., against the undue return of Ambrose Manaton, esq.

25th, ——. A petition of Sir Walter Yonge, bart., to the same effect.

Oct. 23. A petition of John Coryton, esq., to the same effect, complaining that the return was made by only one viander, whereas the two vianders make but one office.

No determination.

March 20, 1679. A petition of John Maurice, merchant, against the return of John Coryton, esq.

No decision.

Dec. 31, 1690. A petition of Narcissus Luttrell, esq., complaining of an undue return.

Petition withdrawn; the prayer thereof being conceived irregular.

Jan. 1, 1691. A petition of Narcissus Luttrell, esq., to the same effect.

Nothing done in it.

Feb. 16, 1698. A petition of John Prideaux, esq., against the return of Thomas Stratford, esq.

No determination.

Feb. 13, 1700. A petition of John Granville, esq., against the return of Francis Stratford, esq., in consequence of the arbitrary conduct of the vianders, *who declared, before the election, they would return the said Francis Stratford if he had but ten votes.*

———. A petition of the freeholders and inhabitants of this borough, complaining to the same effect.

May 7, 1701. Both petitions withdrawn.

CORPORATION.

None.

RIGHT OF ELECTION

Is in the Inhabitants, being burgage holders, and paying scot and lot.

NUMBER OF VOTERS—nominally 62, but actually only one.

RETURNING OFFICERS—two Vianders, appointed at the court leet of the lord of the manor.

PROPRIETOR—Duke of Northumberland.

POLITICAL CHARACTER

Is described under Launceston, to which this is a suburb.

LESTWITHIEL.

LESTWITHIEL, a borough, market town, and parish, in the hundred of Powder, Cornwall, three miles from Fowey, and 246 from London; containing 121 houses and 743 inhabitants. It stands on the river Fowey, which was formerly navigable, but is now choaked up with sand. Here is the stannary goal; and the county courts of Cornwall are held here. The market is on Friday, and it has a tolerable woollen manufacture. Fair, November 13.

REPRESENTATIVE HISTORY.

This borough first sent members to Parliament in the 33rd year of the reign of Edward I., and then discontinued till the 4th of Edward II.

PETITIONS, &c. May 5, 1660. The committee of privileges reported: That John Clayton and Walter Moyle, esqrs., are returned in one indenture by the mayor of this borough, and in another indenture, the said mayor has returned Henry Ford, esq. Carew, p. 335.

Determined: "That none of these persons ought to sit."

Ordered: "That the mayor, for his misdemeanor, do attend the bar of this House, and that he bear the charge of the summons."

Mr. Turner reported: "That, upon examination of the fact, it appeared the double indenture was so returned by the mayor, upon a promise made to him, that if it were adjudged a false re-

turn he should be saved harmless:" whereupon it was

Resolved: "That the mayor of this borough, be discharged from further attendance, upon paying his fees."

Dec. 12, 1698. A petition of John Hicks, esq., representing he had been invited, by the electors of this borough, to be one of their representatives; but by the unjust and illegal influence of a peer of the realm, of great place and trust in this county, several of the electors were persuaded to vote against him.

May 4, 1690. Petition withdrawn.

Feb. 20, 1700. A petition of George Booth, esq., against the return of Sir John Molesworth, and John Buller, esq.

March 18. Petition withdrawn.

May 5, 1701. A petition of John Hicks, esq., against the return of George Booth, esq., by means of the influence of a noble peer of this realm, and the solicitations of his servants and agents.

No determination.

Jan. 5, 1702. A petition of Warwick Hawkey, esq., against the return of Sir John Molesworth.

No determination.

Nov. 2, 1705. A petition of James Kendall, esq., against the return of Robert Molesworth, esq., by reason of the late mayor, John Johns, esq., having arbitrarily disfranchised several of the burghesses, and used divers undue practices to prevent the return of the petitioner.

Dec. 20. A complaint being made, that John

Johns, the late mayor of this borough, John Hawkey, and William Trapnell, having the books of the corporation in their custody, have refused to obey an order from the Committee of Privileges, &c. to permit James Kendall, esq., to inspect, and take notes and copies therefrom.

Ordered: "That the said John Johns, John Hawkey, and William Trapnell, do strictly obey the order of the Committee of Privileges of Elections."

21st. Resolved: "That James Kendall, esq., is duly elected."

Resolved: "That Robert Molesworth, esq., is not duly elected."—To both which the House agreed.

Nov. 25, 1708. A petition of Francis Robartes and Russel Robartes, esqrs., against the return of James Kendall and Joseph Addison, esqrs.

No determination.

A petition from the chief magistrates and assistants, touching the right of election; and complaining of an undue election for this borough.

No decision.

Nov. 23, 1709. A petition of the chief magistrates and assistants of this borough, complaining of an undue election and return of James Kendall and Joseph Addison, esqrs.

Dec. 20. Resolved: "That James Kendall and Joseph Addison, esqrs., are not duly elected."

Resolved: "That Francis Robartes, and Russel Robartes, esqrs., are duly elected to serve as burgesses for this borough."—To which resolutions the House agreed.

Dec. 2, 1710. A petition of Russel Robartes, esq., against the return of Hugh Fortescue, esq., by means of indirect practices on the part of Alexander Johns, esq., the mayor.

No determination.

A petition of the chief magistrates and assistants of this borough, shewing that, by the constitution of this borough, a new mayor ought to be elected every year, yet one Alexander Johns, has, by indirect means, continued in, and acted as, mayor for about six years; and also, that he, at the last election, by other illegal measures, returned Hugh Fortescue, esq.

The petitioners' counsel declared, that, having failed in their evidence as to the charter, they waved their complaint. Whereupon the committee resolved:

"That Hugh Fortescue is duly elected a burgess for this borough."—To which the House agreed.

Oct. 19, 1722. A petition of Sir Thomas Hardy, knight, and Charles Legh, esq., against the return of the Marquis of Hartington and Lord Stanhope.

No determination.

A petition of Alexander Johns, esq., mayor of this borough, complaining, that Edward Hoblyn, esq., sheriff of this county, did deliver his precept to John Johns, one of the burgesses, who proclaimed the same, took upon himself the office of mayor, and appointed a day of election, by which, and numerous other illegal means, the petitioner was prevented exercising his functions as legal mayor of this borough; and the said pretended

mayor John Johns, and Edward Hoblyn did, by such illegal practices, return the Marquis of Hartington and Lord Stanhope.

Ordered: "That it be referred to the Committee of Privileges, to report on the same."

22nd. A motion was made: "That the matter of the said petition be heard on Wednesday next, come six weeks:" but it was disagreed to, and no further report appears.

March 11, 1723. A petition of Thomas Diggs, esq., against the return of Sir Orlando Bridgeman, and Henry Parsons, esq.

No determination.

Feb. 8, 1726. A petition of Darell Trelawney, esq., complaining of undue and illegal practices on the part of John Collins, esq., high sheriff of this county, in delivering the precept to one John Johns, who had not been mayor since 1705; and although the petitioner was duly elected, and declared so by the legal mayor, Francis Johns, esq., yet the said high sheriff refused to accept the indenture by which petitioner was so returned.

No determination.

CORPORATION.

It was first incorporated by Richard, Earl of Cornwall, when he was king of the Romans; and is now governed by a mayor, six capital burgesses, and seventeen common-councilmen.

RIGHT OF ELECTION.

Dec. 20, 1769. Resolved: "That the right of electing burgesses to serve in Parliament for the borough of Lestwithiel, in the county of

Cornwall, is in the mayor and six capital burgesses, together with seventeen assistants annually chosen, and who had a right to vote at the preceding election of a mayor.

NUMBER OF VOTERS—24: capable of exercising that right, only 9; majority, 5.

RETURNING OFFICER—the Mayor.

PATRON—Earl of Mount Edgcomb.

POLITICAL CHARACTER.

The mode of election in this borough is such as to dupe the electors out of privileges with which their representative charter affects to invest them; for the seventeen common-councilmen, who have a right of voting, being annually chosen by the seven aldermen, are sure to be such as will conform to the dictates of those by whom they are appointed: such limitation of the right of election in this manner, seems as if it were done to excite the contempt of the electors themselves against their own franchises. To be vested with power without a will, is as great an insult to the understanding, as it is an injury to the interests of mankind: nothing can more effectually tend to induce the people to abandon even their claims to the first privileges of nature and society with disgust. That the king should appoint seven men, who were to nominate seventeen others, to choose two representatives of the people; or that the lord of the manor should appoint two elizors, who were to nominate twenty-two others, to exercise the same powers: is such a burlesque on representation, as seems only intended to laugh man-

kind out of rights they might otherwise too seriously endeavour to claim. Out of this select body eleven are said to be peers and revenue officers, and as such incapable of voting.

ST. MAWES.

ST. MAWES is a borough town in the parish of St. Just, hundred of Powder, Cornwall, 1 mile from Falmouth, and 272 from London, on the east side of Falmouth harbour. It consists only of one street, under a hill, fronting the sea. It is chiefly inhabited by fishermen, and is governed by a portreeve, who is complimented with the title of mayor. Fair, the Friday after St. Luke's day.

REPRESENTATIVE HISTORY.

This borough is of no greater note than St. Michael's, containing about the same number of houses. It never sent members till the year 1562, in which session burgesses being returned for St. Germynes and St. Mawes in Cornwall, without summons, *Mr. Speaker declared in the House that the lord steward agreed they should resort unto the house, and with convenient speed to shew their letters-patents, why they be returned in this Parliament.* But they were no further questioned, and these towns have accordingly sent ever since, the queen's inclinations being well understood. The returning officer is the portreve, who, with the free and sworn tenants, are the electors, in number about 30 or 40.

Prynne,
Brev. Parl.,
vol. 4,
p. 1178.

Parl. 6. Francis Scobell, and Benedict Ithell, esq., petitioners, renewed sess. 2.

Parl. 8. Matthew Chitty St. Quintin, esq., petitioner.

CORPORATION.

None.

RIGHT OF ELECTION.

In the Portreve, who is the Chief Magistrate, complimented with the title of Mayor, and in the Burgesses resident in the place.

NUMBER OF VOTERS—Is in general indefinite; but the present number of the burgesses is 22; and as some of these, being revenue officers, are incapacitated by Mr. Crewe's bill, this still reduces the number of actual voters.

RETURNING OFFICER—the Portreve.

PATRON—Marquis of Buckingham.

POLITICAL CHARACTER.

The influence of this borough was in the late Lord Nugent and Hugh Boscawen, esq. But the Marquis of Buckingham succeeding to the estate and patronage of Earl Nugent, has since had the address to possess himself of that of Mr. Boscawen's likewise.

CAMELFORD.

CAMELFORD is a borough town in the parish of Lanteglos, hundred of Lesnewth, Cornwall, 2 miles from Helston, and 231 from London; con-

taining 188 houses and 912 inhabitants. It stands on the banks of the river Camel, and was formerly a place of some consequence. It was here that King Arthur, born not far from it, was mortally wounded by his nephew Mordred, who was killed on the spot. The houses are badly built, but the streets are broad and well paved. Market on Friday; fairs, first Tuesday after March 10, May 26, July 17, and September 6.

REPRESENTATIVE HISTORY.

THIS borough was first represented in Parliament in the time of Edward VI., though created a borough by Richard, Duke of Cornwall, and confirmed by Henry the Third, in 1259, and its privileges renewed by Queen Mary. Carew,
p. 123.
Willis,
1749.

PETITIONS, &c. Feb. 24, 1558. Mr. Smith, who represented this borough, though outlawed, had the privilege of Parliament.

March 6, 1592. Sir Edward Hobby represented, that a false return had been made of one Richard Leech. Ordered:

“That the Speaker be appointed to move the lord keeper respecting this return.” The speaker reported: “That the lord keeper’s answer was: ‘That the said return should stand, without taking any notice of any matter of fact, or in the election at all.’”

March 22, 1625. Upon representation that Sir Thomas Monk was, at the time of his election, in execution, a new writ was ordered.

May 5, 1660. On a report of the several returns for this borough,

Resolved : " That Peter Killegrew and Samuel Trelawney, esqrs., are duly elected."

August 3. On a report of the double return of Henry Nicholas and William Cotton, esqrs.,

Resolved : " That William Cotton, esq., is duly elected."

May 16, 1661. On a report of the double return of Thomas Coventry and Charles Roscarrick, esqrs., and Bernard Grenville, esq.,

Resolved : " That Mr. Coventry and Mr. Roscarrick do sit till the merits of the election be determined."

July 11. On a report : " That the mayor, being pressed to bring in writings, he said : ' He would take his own time,' "

Resolved : " That the said mayor of this borough, for his contempt, be taken into the custody of the sergeant at arms."

13th. Ordered, upon his conformity, to be discharged.

Nov. 26, 1708. A petition of Henry Manaton, esq., against the return of John Manby, esq.

Jan. 24, 1709. Resolved : " That John Manby, esq., is duly elected a burgess for this borough."

April 11, 1711. A petition of Paul Orchard, esq., against the return of Henry Manaton, esq., by reason of one Godfrey White, taking upon him to act as mayor, in opposition to Edward Cloake, esq., the legal mayor.

A petition of the mayor, burgesses, town clerk, and freemen of this borough to the same effect.

Resolved : " That Mr. Edward Cloake is the

legal mayor of this borough, and ought to return a burgess for this borough."

"That Henry Manaton, esq., is not duly elected."

"That Paul Orchard, esq., is duly elected a burgess for this borough," to which the House agreed.

Parl. 18. Augustus Ludlow, Lord Preston, and Robert Adair, esq., petitioned. The chairman reported: "That the committee had determined the right of election for members for this borough to be in the freemen, being inhabitants paying scot and lot." They had also determined: "That the capital burgesses had no right to vote, unless as free burgesses, inhabiting, and paying scot and lot." That they had determined: "That Wm. J. Dennison, and John Angerstein, esqrs., are duly elected." And: "That the petitions of Lord Preston and Robert Adair, esq., were not frivolous or vexatious." Nov. 10, 1796.

CORPORATION.

Although this is a poor place, containing only a few houses, badly built, yet it is an ancient borough; for it was so made by a charter from Richard, Duke of Cornwall, when he was king of the Romans, who granted them a market and a fair. These privileges were afterwards confirmed by his brother, Henry III. It was incorporated by Charles I. and is governed by a mayor, eight burgesses or aldermen, and ten freemen. The corporation enjoys the toll of the markets and fairs, which, with an estate of £15 per annum, afford £80 for the support of the magistrates.

RIGHT OF ELECTION.

In such of the Corporation as are inhabitant Housekeepers, paying scot and lot. Nov. 10, 1796.

NUMBER OF VOTERS—9.

RETURNING OFFICER—the Mayor.

PROPRIETOR—Earl of Darlington.

POLITICAL CHARACTER.

At the period of the last petition, the corporation were under the influence of Mr. Carpenter, of Tavy House, but all the houses in the borough were the property of the Duke of Bedford. The decision, therefore, of the committee of the House of Commons, which determined the right of voting to be only in such freemen as were inhabitant housekeepers paying scot and lot, gave the control of the borough to his grace, who returned the members from 1796 till 1812, when the Duke of Bedford sold his property in the borough to Mr. Carpenter for £32,000, who nominated the present members. Mr. Carpenter has since sold the borough to the Earl of Darlington, who is the present proprietor. The number of freemen who were inhabitant housekeepers at the time of the above decision were only nine.

WEST LOOE.

WEST LOOE is a township in the parish of Tolland, in the hundred of West, Cornwall, standing on the banks of the river Looe, opposite to East Looe; it contains 79 houses, and 376 inhabitants, and was formerly much more considerable in

point of trade, &c., than East Looe. Although the harbour is not large, it is commodious, and is defended by a strong battery; the river is navigable for vessels of 100 tons.

REPRESENTATIVE HISTORY.

This town is not of any great antiquity. It first sent members to Parliament the 6th of Edward VI., and was afterwards incorporated by Queen Elizabeth.

PETITIONS, &c. Oct. 12, 1553. Mr. Secretary Bowen, Sir R. Southwell, Mr. Tregonwell, Mr. Mashe, Mr. Storey, and Mr. Gosnold, inquired if Mr. Alex. Nowell, a burgess of this borough, and prebend of Westminster, can sit in the House.

13th. Declared: "That Alex. Nowell, being a prebend of Westminster, and thereby having a vote in the convocation, cannot be a member of this House."

Aug. 3, 1660. Resolved: "That the right of election is in the freemen and inhabitants paying scot and lot."

March 21, 1678. A petition of Thomas Kendall, esq., against the return of John Trelawney, esq., the elder.

No determination.

Oct. 25, 1680. A petition of Thomas Kendall, and Humphrey Courtney, esqrs., touching the election for this borough.

No determination.

Nov. 22, 1717. A complaint was made, that there was no return made of a new writ which had been issued.

Ordered : " That the clerk of the crown do attend." Who reported : " That no return had been made to the crown office."

Ordered : " That the deputy sheriff of the county of Cornwall do attend."

The House being informed, that the return for this borough was returned into the crown office.

Ordered : " That the said deputy-sheriff be discharged from any further attendance."

CORPORATION.

The corporation consists of twelve burgesses, one of whom must annually be chosen mayor, and have power to choose a steward, and have a common seat.

The corporation is not chosen out of the poor inhabitants of the hamlet, but are non-residents, having no interest nor connexion with the place for which they nominate the members.

RIGHT OF ELECTION.

In the Corporation.

NUMBER OF VOTERS—12.

PATRON—John Buller, of Morval, esq., proprietor of the borough of Saltash in this county.

POLITICAL CHARACTER.

The little boroughs of East and West Looe are separated by a small creek of the sea, over which there is a wooden bridge. This place is called also *Portpigham*, by which name it is distinguished in holding courts. Neither of these places can boast of much antiquity, having no parish church belonging to either of them. In this wretched

hamlet, called West Looe, *alias Portpigham*, there is not so much as a chapel, though the miserable hovel which is now, by way of derision, we suppose, called the guildhall, was said to have been a chapel, which seems likely, because the tower was lately standing.

This contemptible hamlet, composed of a few fishermen's huts, has, like Mitchell, Bossinney, and St. Mawes, in this county, the privilege of sending to Parliament two members each: and conjointly they send as many representatives as the cities of London and Westminster and the county of Middlesex, which contain near a million of inhabitants, and pay a sixth part of the revenue of the country!!! Any remark of ours upon such a preposterous inequality cannot add to the surprise and indignation that the mind must experience by the comparison.

EAST LOOE.

EAST LOOE is a market town and borough, in the hundred of West, Cornwall, 12 miles from Plymouth, and $233\frac{1}{2}$ from London; containing 117 houses, and 467 inhabitants, of whom 154 were returned employed in trade, principally in the herring fishery, and in the exporting and the importing of coals. This town takes its name from the river Looe, on which it is commodiously situated near a creek of the sea. There is a large stone bridge of 15 arches over this creek. The surrounding country is well furnished with gentlemen's seats, and a little higher up the tin works

begin. The market is on Saturday. Fairs, 13th of February, and 10th of October.

REPRESENTATIVE HISTORY.

Although this is an ancient borough, it was not admitted to a share of the legislature, if it may be so called, before the 13th of Elizabeth. But the inhabitants, in conjunction with Fowey, sent formerly a merchant to a council of trade at Westminster.

PETITIONS, &c. April 6, 1571. The validity of this borough, as to its right of sending members, was ordered to be inquired into.

May 5, 1660. On a report of the double return of this borough of Henry Seymore and Jonathan Trelawney, esqrs., in one indenture, and of George Trelly and Nathaniel Moyle, esqrs., in another.

Resolved: "That none of the said persons do sit, until the merits of the cause be determined."

Resolved: "That the mayor of this borough be summoned to appear at the bar of this House, to answer his misdemeanors in making such double return, and that he bear the charges of the said summons."

16th. Resolved: "That Henry Seymore and Jonathan Trelawney, esqrs., are duly elected."

March 19, 1678. A petition of John Kendal, esq., against the return of Sir Jonathan Trelawney and Henry Seymore, esq.

No determination.

Parl. 3. A petition of Hamlyn Trelawney and Christ. Smith, esqrs., against the election of John and Edward Buller, esqrs., ordered to be heard the 17th of March, 1807.

CORPORATION.

The corporation consists of a mayor, recorder, eight aldermen, and an indefinite number of burgesses, or freemen.

RIGHT OF ELECTION.

In the Corporation.

NUMBER OF ELECTORS—21.

RETURNING OFFICER—the Mayor.

PATRON—Sir Edward Buller, bart.

POLITICAL CHARACTER.

This borough owes its right of sending members to the indulgence of Queen Elizabeth, as all the rest of the boroughs in Cornwall do to her and Edward the Sixth, except the ancient ones of Launceston, Leskard, Lestwithiel, Truro, Bodmin, and Helston, which sent members *ab origine*, and Penryn and St. Ives, which were summoned by Mary.

The queen's right to summon new boroughs (April 9, 1571,) was questioned. Report was made by the House, which favoured the queen's prerogative, of the validity of the burgesses; and it was ordered, by the attorney general's assent, "That the burgesses shall remain according to their returns; for that the validity of the charters is elsewhere to be examined, if cause be."

Browne Willis, esq. remarks upon this, "That the House became greatly increased with representatives in these reigns, by summoning such places as had pretence to the ancient title of boroughs, which were the demesne of the crown, of

Prynne's
Parl. Reg.
part 4,
p. 1179.

Page 102,
vol. 2.

some great person under the influence of it ; while several of the great towns, notwithstanding they were ancient boroughs, were not revived nor summoned when these little places were."

The charter was granted to this borough in the 29th of her reign, and the corporation, consisting of nine burgesses, one of whom is to be mayor, and have power to choose a recorder, &c., and an indefinite number of freemen, which at present does not exceed twelve, making the whole number of electors twenty-one, nineteen of whom are non-residents.

This borough was formerly under the control of the ancestors of Sir Harry Trelawney, bart., whose family seat is near the place ; but for near a century past has been directed by the family of Buller, of Wivelscome, now Sir Edward Buller, bart., of Trenant Park, one of the present members, a lord of the admiralty, and an admiral in the navy.

GRAMPOUND.

GRAMPOUND is a borough and market-town in the parish of Creed, and hundred of Powder, Cornwall, 8 miles from Truro, and 263 from London ; containing 80 houses and 525 inhabitants. The river Fale, or Vale, is of a considerable breadth at this town, where is a good stone bridge over it. A small manufactory of gloves is carried on in this town. The market is on Saturday, and the fairs are on the 18th January, 25th March, and 11th June.

REPRESENTATIVE HISTORY.

This borough first sent members in the 6th of Edward VI. and has continued to do so ever since. The manner of obtaining the right of freedom here is to be nominated by a jury of freemen, duly chosen, and approved by the mayor and aldermen. There is at present an information depending against several of the freemen on a charge of being illegally admitted.

PETITIONS, &c. Oct. 29, 1566. A new writ issued for the election of a new burgess for this borough in the place of Christopher Perne, esq., reported to be a lunatic.

April 20, 1640. Mr. Jones reported: That Mr. Trevanion is well returned, therefore,

Ordered: "That Mr. Trevanion being duly elected, may come and sit in the House, whereupon he was called in."

Parl. 9. Thomas Hales, Thomas Trefusis, esqrs., petitioners. Petition withdrawn.

CORPORATION.

This being an ancient manor, belonging to the duchy, was, by a charter of Edward III., endowed with the great privileges of a market, fairs, and exemption from tolls throughout the county: these privileges the burgesses still hold in fee-farm, at the rent of £12, 11s. 4d. per annum. The above charter was confirmed by Henry VIII. The town is governed by a mayor, eight aldermen, a recorder, and a town-clerk.

RIGHT OF ELECTION—is in the Mayor, Recorder, Aldermen, and Freemen.

NUMBER OF VOTERS—42.

RETURNING OFFICER—the Mayor.

PATRON—Sir Christopher Hawkins, bart.

POLITICAL CHARACTER.

This borough is part of the manor of Tybestre, belonging to the duchy of Cornwall, of which the corporation holds its charter on paying a fee-farm rent of £12, 11s. 4d. per annum. It is in the true sense of the word a Cornish borough, where the electors, who are forty-two in number, dispose of their suffrages as they are directed by their patron, without having the least knowledge of the representative they send to Parliament, his character, or qualification: nor is his name even communicated to these constituents, till the curtain is drawn up for the attorney *to perform the farce of election.*

This borough was formerly under the management of Lord Mount Edgecomb, but a dispute arising between his Lordship's steward and the voters, respecting the payment of gratuities *before* or *after* an election, the latter not thinking it proper to give *credit*, went in a body, and offered the command of the borough to Lord Eliot, who had the nomination of its members till 1802, when Sir Christopher Hawkins, bart., succeeded to its patronage. Since that period they have been for two Parliaments under the influence of Mr. Basil Cochrane, of Portman-square, against whom some actions for

bribery were commenced after the general election in 1806, but were subsequently compromised. They have since returned to the patronage of Sir Christopher Hawkins, bart., who nominated the member at the last election, occasioned by the expulsion of the Hon. Andrew Cochran Johnstone, in 1814. The freemen of this borough have been known to boast of *receiving three hundred guineas a man for their votes at one election.*

ST. GERMANS.

While the parish of St. Germans is the largest in the county of Cornwall, being above 20 miles in compass, and containing more gentlemen's seats and lordships than any other. The bounds of the borough are very limited. This town while it was the residence of the bishops, was very considerable; it is now however a mean place, consisting only of about 50 or 60 fishermen's huts, placed near the church. It has however a free-school, endowed by the Eliot family, who possess the elective patronage in this borough, as well as in Leskard.

REPRESENTATIVE HISTORY.

It never was represented in Parliament till 1562, when its right of sending was questioned.

PETITIONS, &c. Jan. 22, 1562. Mr. Speaker declared, That the lord steward agreed that the members returned should resort to the House, and with convenient speed, to shew letters patent,

why they be returned to Parliament. But we find nothing done till

Jan. 6, 1640. When it was resolved, "That Mr. Valentine's election for one of the burgesses of this borough is good, and that he shall sit here as a member, and that his election shall not be questioned."

Dec. 24, 1718. Ordered a new writ for electing a burgess for this borough in the room of John Knight, esq., made secretary for the Leeward Islands.

RIGHT OF ELECTION

Is in all the Housekeepers within the borough, but only exercised by a few calling themselves freemen.

NUMBER OF VOTERS—7.

RETURNING OFFICER—the Portreve.

PROPRIETOR—Lord Eliot.

POLITICAL CHARACTER.

Vol. ii. p.
147.

The right of voting in this borough extends to all the inhabitant housekeepers, according to Browne Willis, without the limitation of paying scot and lot, as is the case at Ilchester, and the returning officer in the first indenture of return 1562, was stiled the mayor, though it never had a charter or corporation, but in all subsequent returns he is stiled the portreve.

Inconsiderable as the number of inhabitants in this little borough is, the patron has contrived to limit the right of election still further by setting up an artificial freedom, as has been done at Bos-

sinny in this county, where the whole number of voters are only *nine*, and here they are only seven. This infringement of election right would become the subject of legal investigation in a larger place, where the temptation of obtaining a seat might repay the expense of the adventure; but the contradictory decisions of committees, and the enormous charges attending a petition against the undue return of a member, begin to deter gentlemen from having recourse to that method of obtaining justice.

BODMIN.

BODMIN is a borough and market-town in the hundred of Trigg, Cornwall, standing almost in the centre of the county between two hills, and at an equal distance of about 12 miles from St. George's and the Bristol channels, and 234 from London. The town consists chiefly of one long street, running east and west for nearly a mile. The summer assizes and Michaelmas quarter sessions are held here; and the new county gaol and bridewell form a handsome building, well situated for the health of the prisoners, and built after the Howardian plan. The registry and court of the archdeacon of Cornwall are kept here. It has some manufactures of common serge, and a number of considerable dealers in wool, which is washed and sorted here, and employs the neighbouring parishes in spinning. The yarn is principally sent to Ashburton, and other parts of Devonshire. It

Carew, p.
62.

has a good market on Saturday, well supplied with corn and all kinds of provisions. Fairs, Jan. 15, Saturday before Easter eve, Tuesday and Wednesday before Whitsunday, and December 6th; there are also two annual fairs, August 21, and October 30, granted by charter, with the benefit of some lands for those afflicted with the leprosy. The town contains 326 houses and 2,299 inhabitants, of which number there were only 350 returned as being employed in trade and manufacture.

REPRESENTATIVE HISTORY.

Willis, vol.
ii, p. 60.

This town was created a borough by charter of Richard Earl of Cornwall, which was recited and partly confirmed by Edward I. It has returned members to Parliament from the 23rd of Edward I. as appears by Dr. Willis's list. Its former government, instituted by charter of the 15th James I., was by a mayor, and 36 burgesses; but by charter of the present king, a mayor, 11 aldermen, and 24 common councilmen.

PETITIONS, &c. 1661. In this Parliament there were several returns for this borough, which came before the committee; also a double return of Sir John Carew, and Hender Roberts, esq., and the said Mr. Roberts, and Sir James Smith, which does not appear to be heard of after.

Jan. 17, 1706. A petition of Sir John Leak, knt., against the return of Thomas Horn, esq., the town-clerk having influenced the mayor to return the said Thomas Horn, esq., the mayor refusing at the same time to receive near 80 legal votes for the petitioner.

No determination.

Oct. 19, 1722. A petition of Robert Viscount Molesworth, and Charles Legh, esq., against the return of Isaac Leheup, and Richard West, esqrs., by means of Edward Hoblyn, esq., sheriff of the county, illegally taking upon himself to act as mayor.

A petition of William Philips, esq., against the same return.

No determination on these petitions.

May 31, 1725. A new writ ordered to elect a burgess in the room of Richard West, esq., made lord chancellor of Ireland.

Parl. 16. William Masterman, esq., petitioned.

Parl. 17. Sir James Laroche, bart., and several electors petitioned. The chairman of the committee reported, That the sitting members were duly elected, and that the petition was frivolous and vexatious.

CORPORATION.

This consists of a mayor, eleven aldermen, and twenty-four common-councilmen.

RIGHT OF ELECTION.

In the Corporation only.

NUMBER OF VOTERS—36.

RETURNING OFFICER—the Mayor.

PATRON—Lord De Dunstanville.

POLITICAL CHARACTER.

The influence of this borough, whose right of election is in the corporation only, has been contested since the acquisition of a new charter,

which was granted in the administration of the late Mr. Pitt, between Lord Grenville and Lord De Dunstanville; but the latter has acquired the ascendancy, and is now patron of this borough as well as of Penryn.

LESKARD.

LESKARD is a borough, market town, and parish, in the hundred of West, Cornwall, $16\frac{1}{2}$ miles from Plymouth, and 237 from London; containing 462 houses, and 2,708 inhabitants, viz. 1,252 males, and 1,456 females, of whom 208 were employed in trade, principally in the manufacture of leather; and some few in spinning for the Devonshire clothiers. On the hills of North Leskard are many tin mines; the metal obtained from which is cast at the blowing houses into blocks, and sent to this town to be coined. There is a very eminent free school here; and a good conduit for the supply of water. In the neighbourhood are several extensive sheep walks. It has a very considerable market on Saturday. Fairs, Monday fortnight before Christmas, Shrove Monday, Monday before Easter, Holy Thursday, August 15, and, October 2.

REPRESENTATIVE HISTORY.

This borough is one of the largest towns in Cornwall, and the market is one of the most considerable in the county. The right of election is, however, confined to a mayor, eight capital bur-

gesses, and fifteen assistants, together with as many freemen as these twenty-four corporators may think proper to create. The number of this last description seldom exceeds eighteen, who are selected from among the friends of Lord Eliot, in different parts of the county, very few of them being taken from the inhabitants of the town, though it exceeds in population and size most others in Cornwall. It sent burgesses to Parliament from the 23rd of Edward I., and has continued to do so ever since. It was made a borough by Richard Duke of Cornwall, by charter, dated June 5, 1240.

PETITIONS, &c. May 5, 1660. Mr. Turner reported from the Committee of Privileges: "That John Connoit and John Robinson, esqrs., are duly returned by the proper officer, and that they ought to sit:" to which the House agreed.

March 13, 1698. The House being informed that John Buller, esq., who was a candidate for this borough, had brought an action, upon a statute made in the 7th year of his majesty's reign, against Mr. Richard Roberts, mayor of the said borough, for the sum of £500, for making a false return of William Bridges, esq., although the said Mr. Buller never petitioned against or questioned the said return in this House.

The information fell, without any thing being done upon it.

Parl. 2. Mr. Sheridan's return was duly signed by the sheriff. The committee found Mr. Huskisson duly elected, and "That the right of election was in the mayor and burgesses only."

CORPORATION.

This consists of a mayor, recorder, eight capital burgesses, and fifteen assistants.

RIGHT OF ELECTION

Is in the Mayor and Burgesses of the said borough. May 11, 1804.

NUMBER OF VOTERS—24.

RETURNING OFFICER—the Mayor.

PATRON—Lord Eliot.

POLITICAL CHARACTER.

The freemen of this borough, according to Browne Willis, had all the right of voting, according to ancient usage; but as this place sent members to Parliament *ab origine*, before charters interfered with elective rights, or committees of the House of Commons limited them by special resolutions, the word freemen, or burgesses, (*burgenses*,) as determined in the Abingdon case, extended to all the householders; and this right was contended for by the inhabitants of this town, by petition in 1802, and by appeal against the above determination in 1803; but without success.

Captain Tomlinson, of the navy, and Mr. Nowlan, petitioned again, in 1806, upon the same claim; but as a final decision had taken place, under the amended Grenville act, the petition was voted frivolous and vexatious. This determination gave the control of the borough and the nomination of its members to Lord Eliot.

CALLINGTON.

CALLINGTON, or Kellington, is a borough and market-town in the parish of Southill, East hundred, Cornwall, 7 miles from Leskard, and 214 from London, containing about 50 houses. Market-day on Wednesday; fairs, May 4, September 19, and November 12, for provisions, hardware, &c.

REPRESENTATIVE HISTORY.

This was the last town in Cornwall admitted to the right of sending members to Parliament; it returned no representatives till the 27th of Elizabeth, 1585.

PETITIONS. Parl. 6. Dorrell Trelawney, and George Harrison, esqrs., petitioners: the former renewed his petition in sess. 2.

Parl. 10. Warwick Calmady, esq., petitioner, withdrew his petition, April 6, 1748. Whereupon a new writ was ordered in the room of Mr. Copelston, deceased.

Parl. 13. James Buller, esq. petitioned against Mr. Skyrne's election; but Mr. Buller died before the merits of the cause were tried.

Parl. 14. William Morshead, esq. petitioned against Mr. Stratton's first election, and the committee, on account of an equality of the votes, declared it a void election. February, 1799.

CORPORATION.

None.

RIGHT OF ELECTION.

This is not ascertained. It is contended to be in the Freeholders, and beneficial Leaseholders being resident, and rated to the poor, and also in the Householders paying scot and lot ; but these two descriptions of persons being nearly the same in this borough, it has not been brought to a determination.

NUMBER OF VOTERS—42.

RETURNING OFFICER—a Portreve appointed at the court leet of the lord of the manor.

PATRON—Lord Clinton.

POLITICAL CHARACTER.

This little borough at present submits to the control of Lord Clinton, the lord of the manor ; but his patronage is by no means secure. Mr. Coryton, of Crackadon, whose seat is near this place, commands fifteen of the votes, out of forty-two ; and if the remainder who are independent of Lord Clinton should be induced to join Mr. Coryton, they may each nominate a member.

CUMBERLAND—COUNTY.

CUMBERLAND is a county of England, bounded Carew,
p. 201, on the north by Scotland and a part of Northumberland, on the west by the Irish sea, on the south by Lancashire, and on the east by Westmoreland and Durham. Its greatest length is about eighty miles, and its breadth about forty; containing about 970,000 acres of land, whereof about 470,000 are in a state of cultivation, and 460,000 uncultivated, including woodlands, three parts of which are entirely unfit for cultivation. The county is divided into five wards, and contains one city, one borough, and ten market towns, viz. the city of Carlisle, the borough of Cockermouth, and the market towns of Brampton, Egremont, Ireby, Keswick, Kirkoswald, Penrith, Ravenglass, Whitehaven, and Wigton. These are comprised in ninety parishes, containing 21,573 houses, inhabited by 117,230 persons, of whom 18,387 were returned as being employed in trades and manufactures, and 21,062 in agriculture. Cumberland is one of the least populous counties in the kingdom, consisting chiefly of bleak mountains, barren moors, and austere wastes. It is, however, rich in mineral treasures, as the mountains contain various strata of stone, and abound in coal, limestone, and lead. It also produces a valuable substance called wad,

or black lead, the mines of which are opened only at certain times, and closed again, lest they should become too common. The cultivated parts produce corn, but are chiefly laid out in grass land. The neat cattle of the county are a small breed, with long horns, which are fattened in the south, under the name of Cumberland steers; the sheep are small, with fine flesh and coarse wool. The air is sharp and bleak, but not unhealthy. The principal rivers of the county are the Eden and the Derwent. Cumberland is included in the province of York and diocese of Chester and Carlisle,

REPRESENTATIVE HISTORY.

This county, which is the most northern part of the kingdom, was won from the Scots by the Conqueror, and from that time has been a part of the kingdom. It has been represented in Parliament from the time of the 28th of Edward the First. This county is completely aristocratic. An election contest, which is said to have cost 100,000*l.*, happened in 1768 between the interests of the Duke of Portland and those of the Earl of Lonsdale, in which the former was successful, but since that time each party have agreed to send one member.

PETITIONS, &c. May 28, 1624. On a petition, relating to the election for this county, Mr. Glanvyle reported: "That Ferdinando Huddleston, esq. was duly elected a knight for this county."

Resolved; "That he may serve, notwithstanding he be outlawed,"

Nov. 3, 1680. A petition of Ferdinando Hudleston, esq. touching the election for this county.

No determination.

Oct. 24, 1702. A petition of Sir Wilfred Lawson, bart., against the return of Gilfred Lawson, esq.

April 4, 1715. A complaint being made, that the under-sheriff, who executed writs for electing knights of the shire for this county, had neglected to make a return in due time, by means whereof, the members chosen for the county, and the boroughs therein, cannot sit.

Resolved: "That Thomas Crossby, under-sheriff of this county, is guilty of a breach of privilege of this House."

Ordered: "That the said under-sheriff, for his offence, be taken into the custody of the sergeant at arms."

27th. A petition of Thomas Crossby, under-sheriff of this county, professing he had no evil intention in the delay of the return complained of; that he is deeply sensible of his fault, and heartily asking pardon, and praying he may be released from confinement.

29th. The said Thomas Crossby was brought to the bar, reprimanded by the speaker, and discharged.

Parl. 3. William Ogle, of Causey-Park, Northumberland, esq. petitioned. Petition withdrawn.

Parl. 13. Henry Fletcher, and Henry Curwen, esqrs., petitioned, Dec. 13, 1768. The House found Henry Curwen and Henry Fletcher, esqrs., duly elected, and ought to have been returned;

Sir James Lowther, bart., and Humphrey Senhouse, esq., not duly elected. In this election, the sheriff's conduct appeared so extremely faulty, that the House committed him to Newgate.

POLITICAL CHARACTER.

The family of the Earl of Lonsdale has for many years nominated one of the members for this county. The late earl, in 1768, attempted to return both, and proposed himself, being then a commoner, in conjunction with the late Mr. Senhouse; but this was most strenuously opposed by the Duke of Norfolk, Duke of Portland, Earl of Carlisle, Earl of Egremont, and most of the gentlemen in the county, and ended in the Lonsdale interest losing both. The late Sir Henry Fletcher and the late Mr. Curwen, were then chosen by a decided majority, after a contest which is said to have cost the two parties above one hundred thousand pounds. Since that period, each of these interests has returned a member.

CARLISLE.

THE city of Carlisle is in Cumberland ward, Cumberland, eighteen miles from Penrith, and 305 miles from London. It is situated in a forest, near the confluence of the rivers Eden and Caldew. Being a frontier town, it is fortified with a wall, a citadel, and a castle. It has two parishes, 1,420 houses, and 10,875 inhabitants, being 4,479 males, and 5,742 females, of whom 2,600 were re-

turned as being employed in trade and manufacture. The buildings are good, and the streets are clean and spacious. The session of assize for the county is held here once a year, to which there are two judges, one for criminal and one for civil causes. They arrive in the city the tenth Sunday after Trinity. The Easter and summer quarter sessions are also held here. The manufactures consist of cotton yarn, cotton and linen checks, osnaburghs, drills, worsted shags, stamped cottons, hats, shamois, tanned leather, lindsays, nails, hardware, dressed flax, ropes, &c. Market on Wednesday and Saturday; fairs 26th August, and about three weeks after.

REPRESENTATIVE HISTORY.

According to Sir Edward Coke's definition of a city, Carlisle was not such until the reign of Henry I., when Goodwin says it became a bishopric. Almost every king of England from William I. until James I. bestowed some privilege on this ancient city. Richard I. granted the burgesses their liberties for the annual payment of ten marks: Henry III. granted them a coroner for the like sum. Edward II. beside exempting them from toll, allowed them several immunities, on a fee-farm rent of 80l. per annum; and by some subsequent charters, they were excused from this feudal burthen. All the above liberties, with a manor, are possessed by the corporation, consisting of a mayor, recorder, eleven aldermen, two sheriffs or bailiffs, and twenty-four citizens or common-councilmen.

The patronage which this city has derived, may be traced as far back as 1072, when Ranulph, Earl of Chester, by some called of Carlisle, began to build the city, and grant to its inhabitants several immunities. King William, finding it rise in consequence, took it again into his possession; in which state of English royal demesne it remained, until it was given by Stephen to David, son of Malcolm III. King of Scotland. During the reigns of Edward II. Henry IV. Edward IV. Richard III. and James I. it was under the authority of its earls. Charles II. by letters patent, dated April 20, 1661, advanced Charles Howard, a descendant of William, Lord Howard of Naworth Castle, third son to Thomas Duke of Norfolk, to this earldom. This noble family, by the mother's side, is descended from Cospatrick, chief lord of Cumberland, Westmorland, and Northumberland, who, according to Leland, lived *temp. Wil. I.* at Naworth Castle, the seat of the present Earl of Carlisle.

Carew, p.
134.

This is the shire town of the county of Cumberland. In the 35th of Edward I. there was a Parliament held here. It has several charters of liberties from the time of Henry the Third to that of Charles the First, the last of which is said to have been in the 13th of that reign. It has been represented in Parliament, as Doctor Willis writes, *ab origine*: Mr. Prynne has given his list of its representations from the 30th of Edward I.; but Doctor Willis has inserted it from the 23d of that reign.

PETITIONS, &c. Nov. 14, 1692. A complaint

was made to the House, that the council of this city had disfranchised Christopher Musgrave, esq., member for this city.

Resolved: "That the disfranchising Christopher Musgrave, esq., a member of this House, is a breach of the privileges, and that John How, esq., sen., late mayor of Carlisle, William Nicholson, Robert Jackson, sen., Robert Jackson, jun., Thomas Jackson, and Edward Monkhouse, be sent for in the custody of the sergeant at arms."

Dec. 5. A petition from the said mayor and the rest of those above named, acknowledging their offence, begging pardon for the same, and praying to be discharged.

Dec. 7. The said mayor, &c. were brought to the bar, and *upon their knees* were reprimanded, and discharged upon paying their fees; the speaker at the same time acquainting them, that the House expected that Christopher Musgrave, esq., be forthwith restored to his freedom of this city.

Feb. 14, 1700. A petition of Thomas Stanwix, esq. against the return of James Lowther, esq., by means of illegal practices, threats, &c.

No report made.

Jan. 3, 1701. Another petition to the same effect, also complaining that the mayor of this city declared he would return Mr. Lowther *right or wrong*.

No determination.

Dec. 4, 1710. A petition of Samuel Gledhill, esq., against the return of Sir James Montague.

No determination.

Feb. 20, 1710. Colonel Gledhill having at the bar of this House charged Sir James Montague,

a member thereof, with writing a letter reflecting upon the honour of her Majesty,

Resolved: "That Colonel Gledhill had sufficient grounds for bringing the said charge before this House."

Dec. 10, 1711. The petition of Colonel Gledhill was again presented;—

Resolved: "That Sir James Montague, knight, is duly elected."

Feb. 23, 1712. Resolved; "That the right of election is in the Mayor, Aldermen, Bailiffs, and Freemen, resident or *not* resident: also, that the sons of burgesses, born after their father's freedom, and persons serving seven years within this city, have a right to be made free."

Oct. 25, 1722. A petition of Thomas Stanwix and several others against the return of James Bateman, esq.

No determination.

Parl. 16. John Christian, esq., petitioned against the election of William Lowther, esq. The committee found the petitioner duly elected, —
1786. Rowland Stephenson, esq., petitioned against Edward Knubby, esq., and the committee found the petitioner duly elected, Feb. 26, 1787.

Parl. 18. Sir James Graham, bart., and Edward Knubby, esq. petitioned. The chairman of the committee reported: That the sitting members were duly elected, and that the petition was not frivolous nor vexatious. March 3, 1797.

UNDUE INFLUENCE.

The following case came before the court of King's Bench in Michaelmas term, 1790.

The minister had a mind to compliment Mr. Garforth, a member of the late and present Parliament, and steward and agent to the Earl of Lonsdale, with the place of collector of the customs in the city of Carlisle. Mr. Garforth, on account of his situation, was incapable of holding the office; and the place was given *in trust for him* to Mr. Fearon: Mr. Pearson acted as *deputy* to Mr. Fearon, and performed the duties of the office for him. A dispute, which was succeeded by a law-suit, happened between Mr. Garforth and Mr. Fearon; and it was decided in the Common Pleas, "*That holding places in trust was illegal.*" The defendant had paid over the profits of the place to Mr. Garforth; and this action was brought by the plaintiff to recover the amount of the profits from Mr. Pearson, the acting officer, and receiver of the dues.

Lord Kenyon said, the conduct of the parties was such as not to entitle them to any indulgence; and therefore would not grant the application.

CORPORATION.

Notwithstanding former charters, the corporation is now deemed prescriptive. Its present form is derived from a charter of Charles I. in the year 1637, consisting of a mayor and eleven other aldermen, two bailiffs, twenty-four capital burgesses, and an indefinite number of freemen. The capital burgesses are chosen by the aldermen out of the freemen. There are likewise in the corporation eight trading companies or guilds, whose privileges are prescriptive; namely, the merchants,

tanners, skinners, butchers, tailors, weavers, shoemakers, and smiths. Persons born the sons of freemen, or having served a regular apprenticeship to freemen, and having been admitted to the brotherhood of any of these guilds, are entitled to the freedom of the city, and the privilege of voting for the members of Parliament.

The corporation, and about one hundred and thirty of the freemen dependent on them, are in the interest of the Earl of Lonsdale; but the majority, forming a body of near five hundred, are in the interest of the Duke of Norfolk, and the independence of the city. The influence acquired by his grace in this instance is not that of a feudal lord, or an arbitrary land-owner, who derives his consequence from a court-baron, or his possessions in the neighbourhood of Carlisle; but from a firm and manly opposition to a most unconstitutional and desperate attempt to overturn the rights of election within this city, and to overwhelm the electors with an army of what are called honorary freemen, or faggots, in order to outnumber the legal electors on a poll. No less than fourteen hundred of this description, mostly selected from the collieries and estates of Lord Lonsdale, were admitted by the mayor to their freedom without any one of them having either the claim of birth or servitude to sanction their right, or having obtained admission to the brotherhood of either of the guilds, as the charter and prescription of the city directs.

These surreptitious freemen were three several times petitioned against to the House of Com-

mons : *first*, by J. Christian Curwen, esq., who became a candidate for the representation of the city, upon the vacancy occasioned by the death of the Hon. Edward Norton ; *secondly*, by Rowland Stephenson, esq., who became a candidate upon the Duke of Norfolk succeeding to the peerage, in 1786 ; and, *thirdly*, by Mr. Curwen and Mr. Bradyll, at the last general election : and in all these instances they were declared, by the several committees, illegal. The last committee, who were balloted under the powers of the amended Grenville Act, reported specially to the House, “ That the right of election for the city of
“ Carlisle, in the county of Cumberland, is in the
“ Freemen of the said city, duly admitted and
“ sworn Freemen of the said city, having been pre-
“ viously admitted brethren of one of the eight
“ guilds or occupations of the said city, and de-
“ riving their title to such freedom by being sons
“ of freemen, or by service of seven years’ appren-
“ ticeship to a freeman resident, during such ap-
“ prenticeship, within the said city, and *in no*
“ *others.*” March 3, 1791.

An appeal against the above decision was reported to the House the 21st of March, 1795, when the committee finally resolved,

“ That the right of election for the city of Car-
“ lisle, in the county of Cumberland, is in the
“ Freemen of the said city, duly admitted and
“ sworn Freemen of the said city, having previ-
“ ously been admitted brethren of one of the eight
“ guilds or occupations of the said city, and de-
“ riving the title to such freedom by being sons
“ of freemen, or by service of seven years’ appren-

“ ticeship to a freeman resident, during such ap-
 “ prenticeship within the said city, and IN NO
 “ OTHERS.”

RIGHT OF ELECTION.

There was no determination in Parliament upon the right of election at Carlisle, previous to the late important decision of the committee, under the amendment of the Grenville Act, on the 3d day of March last. In the only material contest mentioned in the journals, in 1712, this right was agreed to be in the Mayor, Aldermen, Bailiffs, and Freemen, resident or non-resident.

NUMBER OF VOTERS—700.

RETURNING OFFICER—the Mayor.

PATRONS—Duke of Norfolk and Earl of Lonsdale.

COCKERMOUTH.

Willis, vol.
 ii. p. 213.

COCKERMOUTH is a borough and market-town, formerly in the parish of Brigham, but now a distinct parish, in Allerdale ward above Derwent, Cumberland, 25 miles from Carlisle, and 302 from London; containing 417 houses and 2,865 inhabitants, being 1,255 males and 1,610 females, of whom 1,545 were returned as being employed in trade, &c. It stands on the river Cocker, near its conflux with the Derwent, whence it is named. The town in general is irregularly built; but there are in it several modern and well built streets and houses. The upper and lower parts of the town

are divided by the Cocker, and united by a bridge of one arch. The principal manufactures here are, tanned leather, hats, shalloons, coarse woollens, and linens. The principal market is on Mondays, well supplied with provision and grain, and a small one on Saturdays. Fairs, Monday after Martinmas and Whitsunday, for hiring servants; one for horned cattle, first Monday in May, continuing that day fortnight till 30th October.

REPRESENTATIVE HISTORY.

This borough returned to one Parliament in the time of Edward I., but from that time ceased till the 16th of Charles I., when it was again restored. Carew,
p. 167.

Feb. 15, 1640. Resolved, "That the borough of Cockermouth be restored to the ancient privilege of sending burgesses to Parliament, and that a warrant do issue for electing two burgesses."

PETITIONS. March 25, 1685. A petition of William Wharton, esq., touching the election for this borough.

No decision.

April 1, 1690. A petition of the bailiff and burgesses of this borough, against the return of Sir Wilfred Lawson, he being high bailiff.

No report appears.

Dec. 5, 1695. A petition of Sir Wilfred Lawson, bart., against the return of Goodwin Wharton, esq., by means of bribery and other undue practices.

No report appears.

March 14, 1701. A petition of James Stanhope, esq., against the return of Thomas Lamp-

leigh, esq., shewing, that the right of election is in such only as hold burgage tenure, and if such burgage tenure be split and divided, yet there is only one vote for such estate.

No determination.

Dec. 4, 1710. A petition of John Orfeur, esq., against the return of lieut.-general Stanhope, by means of illegal practices, and the bailiff's partiality.

A petition to the same effect from several inhabitants of this borough.

April 3, 1711. Resolved, "That Gen. Stanhope is not duly elected."

"That John Orfeur, esq., is not duly elected."

"That the late election for this borough for the said persons, is a void election."

July 4, 1717. A complaint was made to the House, that the writ issued for the election of a burgess is not yet delivered to the sheriff of the county.

The delivery of the writ was proved, but nothing farther was done.

Nov. 29. A petition of Lord Percy Seymour, against the return of Sir Wilfred Lawson, he being a minor.

A petition of Sir Wilfred Lawson, against the return of Lord Percy Seymour, by means of notorious bribery, &c.

Jan. 18, 1718. Both petitions were withdrawn.

RIGHT OF ELECTION.

This is in the Burgage Tenures.

NUMBER OF VOTERS—230

RETURNING OFFICER—the Bailiff appointed at the court leet of the Earl of Egremont, lord of the manor.

PATRON—Earl of Lonsdale.

POLITICAL CHARACTER.

This borough has been for many Parliaments at the disposal of the Earl of Lonsdale, and his ancestors, and we are somewhat surprised that their nomination of its members has been so implicitly submitted to. The Earl of Egremont is lord of the manor, and as such has a power to appoint the returning officer, though a certain person stole the court-seal some years ago, and it has since been used without his lordship's authority, or that of his steward, and no legal means have yet been resorted to for the recovery of it.

The Earl of Egremont has also an estate on the opposite side of the river Cocker, which here forms a junction with the Derwent, of near twenty thousand a year.

Out of the two hundred and thirty burgage holds which give the right of voting at this place, only eighty-eight are the property of the Earl of Lonsdale, sixteen of the Earl of Egremont, twelve of Sir Frederic Fletcher Vane, the same number belong to Mr. Irton, of Irton, and the remainder to different individuals, who would all be against the monopoly of the borough by an individual if a contest were to arise.

DERBY—COUNTY.

Carew, p.
207.

DERBYSHIRE is a county of England, bounded on the east by Nottinghamshire, on the south by Leicestershire, on the west by Staffordshire, and on the north by Yorkshire, being about 50 miles long and 38 broad. It contains about 720,640 acres of land, of which about 500,000 acres are in a state of cultivation, viz. four-fifths in pasturage and one-fifth arable. It comprises 136 parishes, and is divided into six hundreds, viz. Appletree, High Peake, Morleston and Litchurch, Repton and Gressley, Scarsdale, and Wirksworth; contains one borough, viz. Derby, the county town; and 10 market-towns, Alfreton, Ashborn, Bakewell, Bolsover, Chapel-in-le-Frith, Chesterfield, Dronfield, Tideswell, Winster, and Wirksworth; and 31,822 houses, inhabited by 161,142 persons, being 79,401 males and 81,742 females, of whom 39,516 were returned as being employed in trade and manufacture, and 31,743 chiefly in agriculture. The soil of the southern and eastern parts of the county is rich and well cultivated; that of the western side, on the banks of the Dove, is chiefly laid out in pasture, which produces great quantities of cheese: vast quantities of camomile flowers are also produced here for the London druggists. Herds of horned cattle, and a small kind of sheep, are bred on the hills and moors of

the Peake. The mineral productions of this hilly tract are various and valuable: much lead has been produced, but the mines are now nearly exhausted. In the Lower Peake great quantities of lime are burnt, and on the north-eastern side iron ore is dug. Calamine is also found here. Coals are plentiful; and the marble found in the hills creates a considerable branch of manufacture at Ashford. The various ornamental articles produced from the Derbyshire spar are well known. With these commodities as well as in malt and ale, the inhabitants carry on a considerable trade. In the eastern division the air is healthy; in the western it is sharp, and the weather changeable. Derbyshire is in the province of Canterbury, and diocese of Litchfield and Coventry. Amount of the assessment on the property tax, 1806, £1,302,061. Amount of the expense of the poor in 1803, 77,310*l.* being at the rate of 4*s.* 1½*d.* in the pound; and the average scale of mortality for 10 years having been as 1 to 51 of the population.

REPRESENTATIVE HISTORY.

This county has been represented in Parliament from the time of King Edward the First. Carew, p. 270.

PETITIONS, &c. Dec. 2, 1601. Peter Tretchville, esq., returned, as knight of the shire, and that being chosen sheriff of the county, was licensed by Mr. Speaker to depart home.

Nota, “ That it appears, that Peter Tretchville,
 “ esq., being a member, and elected sheriff of
 “ the county, did continue his place in the
 “ same, by which it appears that the said

“ places are not incompatible, but may stand,
 “ and be together, *simul et semel*, in one and
 “ the same person.”

Dec. 10, 1670. A petition of George Vernon, esq., against Mr. Sacheverell.

Petition withdrawn.

Jan. 3, 1701. A petition of William, Marquis of Hartington, against the return of Thomas Coke, and John Curzon, esqrs., by means of force, threats, bribes, and other indirect practices.

Petition withdrawn, Feb. 7, 1701.

POLITICAL CHARACTER.

Though this county possesses as many gentlemen, who have pretensions to aspire to its representation as any in England, there has been no contest in its elections since the year 1768, when the late Sir Harry Harpur; whose son has taken the name of Crewe, was successfully opposed by the late Godfrey Bagnall Clarke, esq., of Sutton, whose estate is now possessed by the Earl of Ormonde.

The Duke of Devonshire, who has the largest estate in the county, and is lord lieutenant, influences the return of one member. After his grace, the Earl of Ormonde, Lord Scarsdale, Sir Henry Crewe, Mr. Coke of Longford, Mr. Munday of Shipton, and Mr. Munday of Martin, have had the other member from one of their families. There are, however, many who have equal claims; but this county, like many others, seems contented that its members should always vote on opposite sides, and leave them without any weight in the

national senate, and for that purpose always send a whig and a tory.

DERBY—TOWN.

DERBY, the county town of Derbysire, 17 miles from Loughborough, 12 from Ashborn, and 126½ from London; containing 2,144 houses and 10,832 inhabitants, being 4,982 males and 5,850 females, of whom 4,204 were returned as being employed in trade and manufactures. It stands on a level fertile district, on the river Derwent, over which it has a good stone bridge, and is navigable from hence to the Trent. It comprises five parishes, each of which has a church. In this town are some extensive silk-mills, upon a very ingenious plan, and the first of which was erected from a model brought from Italy. Derby has also a very extensive manufactory of porcelain, which, for fineness of texture and brilliancy of colours, equals that of China. A number of persons are likewise employed in turning vases, urns, and various chimney ornaments, &c. of marble, spar, and petrifications, which abound in this vicinity. A court of record is held here every second Tuesday, besides the quarter-sessions, and a half-yearly court leet. The market is on Friday; the fairs on the 25th February, Easter week, May-day, Whit-Monday, July 25, Midsummer and St. James's days, and Michaelmas-day.

REPRESENTATIVE HISTORY.

Willis,
2d part,
227, 228.

This is the capital, or chief town of the county. It was a borough by prescription, and governed by its bailiffs, according to a charter of King James the First; but in the 14th of Charles the First, it was incorporated by the name and style of mayor, and burgesses. It returned burgesses to Parliament 26th Edward I., and has continued so to do till the present time. In the 2d of Edward III., they were elected and returned by the burgesses.

Carew,
p. 108.

PETITIONS, &c. Jan. 3, 1701. A petition of Thomas Stanhope, esq., against the return of Lord James Cavendish, by means of illegal practices on the part of the mayor of this borough.

No determination.

Dec. 5, 1710. A petition of Lord James Cavendish, against the return of John Harpur, esq., high sheriff of this county, and Sir Richard Leving.

Feb. 19, 1711. Petition withdrawn.

March 8, 1715. A petition of Nathaniel Curzon, and Edward Munday, esq., against the return of Lord James Cavendish, and William Stanhope, esq.

Petition withdrawn.

Parl. 9. German Pole, esq., petitioned against Lord Duncannon. Petition withdrawn.

Parl. 14. Daniel Parker Coke, esq., and several of the electors petitioned against Mr. Gisborne's election, and the committee declared that Mr. Coke was duly elected.

CORPORATION.

Derby, which is a place of great antiquity, was a royal borough in the reign of Edward the Confessor, at which time there were 143 burgesses; but when the Norman survey was made, they were reduced to 100. It was afterwards incorporated by a charter from King Charles I. This borough surrendered all prior charters and grants, and all its liberties and privileges into the hands of the crown. Upon this, a new charter was granted, on the 5th of September, 34 Charles II. By this charter the corporate name is, "The mayor and burgesses of the borough of Derby, in the county of Derby." The corporation consists of a mayor, a high-steward, nine aldermen, a recorder, a town-clerk, fourteen brethren, fourteen common-council, and an indefinite number of freemen. The mayor is chosen every Michaelmas-day, from among the aldermen, by a majority of the aldermen and brethren. The aldermen hold their office for life, unless removed for ill-behaviour or non-residence. If by death, or any other removal, a vacancy happen, one of the brethren is chosen to fill it by the majority of the mayor and remaining aldermen. The brothers and capital burgesses are, in like manner chosen for life, but liable to removal, like the aldermen. A vacancy among the brothers is supplied from among the capital burgesses, by the election of the majority of the mayor, aldermen, brothers, and remaining capital burgesses. The recorder is chosen by the majority of the mayor, aldermen, common-clerk, brethren,

capital burgesses, and must be *vir probus, discretus, et in legibus Angliæ eruditus*. His office continues during the pleasure of the mayor, aldermen, brothers, and capital burgesses; and the voice of the mayor is necessary for his removal, as it is for the removal or disfranchisement of all other officers or members of the corporation. The common-clerk, who is also, *ex officio*, coroner, and clerk of the peace, is chosen by the major part of the mayor, recorder, aldermen, brothers, and capital burgesses, the mayor or recorder being one, and continues in office during the pleasure of the majority of his electors. The aldermen, brethren, and capital burgesses, must be constantly resident in the borough. The mayor, aldermen, brethren, capital burgesses, recorder, and common-clerk, all take an oath of office: the mayor (either on the day of election, or, if absent, within one month after the election), takes an oath, before his predecessor; or, in his absence, before the recorder, or one of them: the aldermen, brethren, and capital burgesses, and the recorder, all take their oaths before the mayor for the time being; and the common-clerk takes his oath before the mayor and recorder, or either of them, and as many of the aldermen, brethren, and capital burgesses as choose to be present. The *recorder and common-clerk cannot enter on their offices, until approved by the king*. The mayor and recorder have power to appoint deputies; the mayor's deputy to be named from among the aldermen; and the recorder's deputy to be skilful in the laws of England: these deputies must likewise take an oath before the

mayor. The aldermen, brethren, and capital burgesses, form the common council; and the majority of them, together with the mayor, have power to make bye-laws, impose fines, &c. The mayor, the *bishop of Litchfield and Coventry*, his *chancellor*, the recorder, and town-clerk, the mayor of the year preceding, and the four senior aldermen, are the *local justices of the peace*, but removeable at the *king's pleasure*.

RIGHT OF ELECTION.

The members are chosen by the Corporation, Freemen, and sworn Burgesses, by charter 14 of Charles I.

NUMBER OF VOTERS—655.

RETURNING OFFICER—is the Mayor.

PATRONS—Duke of Devonshire, and Edward Coke, esq., of Longford, near this town.

POLITICAL CHARACTER.

The mayor, aldermen, brothers, and capital burgesses, who form the common-council, are all in the interest of the Duke of Devonshire, and Edward Coke, esq., who, from their consequence and fortune, possess also great influence in the borough. They attach this interest to their patrons by the exercise of that power which they assume of making honorary freemen, or, as they are most usually termed, in this and every other place, *faggots*. These are made from among such persons as have neither the claim of birth, servitude, or residence. By virtue of this power the corporation can, at any time, create a number of freemen from among the

Duke of Devonshire's tenants, and those of Mr. Coke, in various parts of the county, who will consequently out-number the legal freemen of the borough ; and these honorary freemen, who want no qualification but the *fiat* of the corporation, and the having been one whole year invested with their nominal franchise, agreeably to the letter of the Durham act, are qualified to come into the town on the day of election, and to ease the inhabitant freemen of all the inconveniences of a contest, by choosing their members for them. Derby, therefore, though a very large and opulent town, cannot maintain its independence, as it would, if the right of voting were in the inhabitant householders, in whom it ought to be, or if it were relieved from the tyranny of a corporation, under which no town can be free, unless it is constituted as that of London. In the case of Carlisle, the making of this description of freemen, was deemed illegal ; but in the case of Bedford and Derby, the reverse has been determined. If, therefore, Mr. Grenville had introduced a clause into his excellent bill, to ascertain the qualifications of voters, and to abolish honorary freedoms, and such surreptitious qualifications, he would have done more to have prevented expensive litigation, than the committees will ever be able to accomplish ; for they are only competent to decide upon the evil when committed, without possessing the least power of preventing it in future.

DEVONSHIRE.

DEVONSHIRE, a county of England, bounded Carew, p. 212. on the north by the Irish Sea, on the east by Somerset and Dorsetshire, on the south by the English Channel, and on the west by Cornwall, being about 73 miles long and 63 broad; and containing 1,600,000 acres of land, of which quantity above 1,200,000 acres are in a state of cultivation, having one-third in arable and two-thirds in pasturage. It is divided into 32 hundreds, viz. Axminster, Bampton, Black Torrington, Braunton, Budleigh, Cliston, Coleridge, Collyton, Crediton, Ermington, Exminster, Fremington, Halburton, Hartland, Hayridge, Haytor, Hemiock, Lyfton, South Moulton, St. Mary Ottery, Plympton, Roborough, Shebbear, Sherwill, Stanborough, Tavistock, Tawton and Winckley, Teignbridge, Tiverton, Witheridge, and Wonford; and 398 parishes, in which are included one city, Exeter; 10 boroughs, viz. Ashburton, Barnstaple, Beeralston, Dartmouth, Honiton, Plymouth, Plympton, Okehampton, Tavistock, and Totness; and 25 market-towns, viz. Axminster, Bampton, Biddeford, Bowe, Brent, Clumleigh, Chudleigh, Collumpton, Comb Martin, Crediton, Collyton, Dodbrook, Hartland, Hatherleigh, Holdsworthy, Ilfracombe, Knightsbridge, Modbury, Moreton, South Moulton, Newton Bushel, Ottery, Sidmouth, Topsham, and

Black Torrington ; containing 57,955 houses and 343,004 inhabitants, being 157,243 males, and 185,761 females, of whom 60,844 were returned as being employed in trade and manufacture, and 96,208 in agriculture. The principal rivers are the Tamar and Exe. There are also several smaller rivers, such as the Taw, the Lad, the Oke, the Teem, Torridge, and Dart, all of which abound with excellent salmon. The soil and face of this extensive county are various : on the southern coast it is fertile and pleasant, and much resorted to by invalids. The district called the South Hams, stretching from the river Teign to Plymouth, is unrivalled for the richness of its soil and produce. On the borders of Cornwall lies the barren tract of Dartmoor. Many sheep are bred in this county, but they are small, and subject to the rot. The best produce is black cattle, which are sent to better pastures for fattening before they come to the London market. The north-eastern part, adjoining Exmoor, contains mines of copper and lead. Veins of loadstone are likewise found here, as well as quarries of excellent stone. The climate is in general much inclined to damp, from its situation between two seas. Cyder is the chief beverage of the lower classes. Much butter is made in the grass lands, and that without the use of the churn. The principal manufactures of the county are serges, kerseys, shalloons, broad cloth, and blond lace, in which, and in corn, cattle, and fish, the inhabitants carry on a considerable trade. The amount of the property tax, in 1806, was £2,767,753. The sum raised for the

maintenance of the poor, in 1803, £179,358, being at the rate of 4s. 8½d. in the pound; and the average scale of mortality for 10 years appears to have been as 1 to 41 of the population.

REPRESENTATIVE HISTORY.

This is a very large county, in the western parts of the kingdom, and has returned knights to Parliament from the first summons in Edward the First's time. The first memorandum we meet with relating to them is in the 16th of Richard the Second. Sir Philip Courtney, one of the knights returned, was accused in Parliament of many heinous offences, and was discharged from being a member by the King and Lords, but was afterwards restored upon the petition of the Commons. In the 4th of Henry IV. he was again accused of several misdemeanors, and by the King and Lords committed to the Tower, and there remained till enlarged, upon sureties, at the request of the Commons.

4 Reg., 707.
708.
Rol. Par.,
16 R. II.

Jan. 18, 1670. Information being given to the House, that an endeavour to forestall a free election had been made, by issuing out papers, in the nature of warrants, to pre-engage the county before any writ was issued.

Resolved: "That such conduct is unparliamentary, and a violation of the right of elections.

June 2, 1685. A petition of Samuel Rolle, esq., touching the election of this county.

No determination.

POLITICAL CHARACTER.

The political situation of this county is directly opposite to that of the rotten boroughs. Like Yorkshire and Lincolnshire, the extensiveness of its territory, the number of its inhabitants, and its weight of property give it the importance of a state equal to some of the American governments, rather than a poise in the representation with Old Sarum or Gatton. According to the ratio of its taxes, its proportion of representatives in the legislature of the kingdom would be *twenty-one* out of five hundred and fifty-eight. Yet we see the united boroughs of Weymouth and Melcombe with few electors, and which is only a small portion of the estate of an individual, send twice as many members as this extensive county.

The freedom of election is likewise as much destroyed by its extended limits, population, and opulence, as it is in a rotten borough by the total want of these qualities. The expenses attending a contested election for so large a district, effectually prevents an opposition. The two most opulent gentlemen in the county have therefore only to perform the ceremonies of an election, and they are invested with the legislative character as securely as if the right of election were in their own persons. The grievance therefore is not lessened by going into opposite extremes. A perfect equality in district and population can alone form that system of beauty and perfection, which an equal representation would give to our admired constitution.

In a pension-list, published in the reign of Charles II., is this whimsical character of one of the members for this county :

Sir Copelston Bampfylde, bart., much addicted to tippling, presented to the king by his pretended wife, Betty Roberts, in Pall-Mall.

The noblemen who possess the greatest estates and influence in this county are, the Duke of Bedford, Earl Fortescue, Lord Viscount Courtenay, Lord Boringdon, and Lord Role. The commoners are, Sir Thomas Dyke Ackland, Sir Charles Bampfylde, Sir Lawrence Palke, the Hon. Newton Fellowses, and Mr. Bastard.

EXETER.

EXETER is a city in the hundred of Wornford, Devon, 168 miles from London by Shaftesbury, and 173 from London by Dorchester ; containing 3,208 houses and 20,305 inhabitants, being 8,568 males and 11,739 females, of whom 14,300 were returned as being employed in trade and manufacture. Exeter consists of four principal streets, all well paved. A considerable trade is carried on here in the manufacture of serges, perpetuanas, and various woollen goods ; and here is held a weekly serge market, the greatest in England, next to that of Leeds ; it is said that a week's sale here has produced £100,000. The market is held on Wednesdays and Fridays ; and the fairs are on Ash-Wednesday, Whit-Monday, August 1,

Carew, p.
240.

and December 6. This city is reckoned very healthy, notwithstanding its numerous population and the closeness of its buildings ; and the average of burials, as registered for the last 10 years, appears to be as one to 37 of the population.

REPRESENTATIVE HISTORY.

Willis, vol.
ii. p. 263.
Brady, 65.

This city is situated in the county of Devon, and is the capital of the see or diocese of that name. It is of great antiquity, and accounted for in Domesday-Book, as the king's Dimeasne, and has been held by grant from Henry I. by Maud, the king's consort ; and, in King John's time, Isabel, his consort, held it in dower. It was represented in Parliament from the first Parliament called by Edward the First, and in the 27th of Edward the Third, we find the writ was directed to the mayor and bailiffs. But we find, in the 27th of Henry VI., that the sheriff of Devonshire returned the citizens for this borough, as appears by the indenture.

By this it appears, that the representatives were only called burgesses, but in more modern times they are styled citizens, owing to the charter of King Henry VIII., whereby, and by act of parliament, it became a county, and the writs are directed to the sheriff of the same, who makes the returns.

PETITIONS. March 26, 1623. A report of the double return of Mr. Lynn, and Mr. Martyn, Mr. Jordan and another. The mayor and magistrates pretended to a right of nominating four, out of which the citizens were to choose two.

Mr. Jordan, who opposed that election, was declared duly elected.

April 16, 1640. This city a town and county.

The writ to be delivered to the sheriff.

June 4, 1660. Mr. Turner reported to the House, on the double return for this city: "That the right of election belonged to the Freemen; and that Sergeant John Maynard, and Thomas Bamfield, esq., are duly elected."—To which the House agreed.

March 24, 1680. A petition of the citizens and freemen, touching the election for this city.

No decision.

June 20, 1689. A petition of Hugh Speke, esq., against the return of one Christopher Beale, the pretended mayor, who was returned by Edward Seaward, the pretended sheriff, by means of bribery, and bringing several out of prisons and almshouses, to give their votes for the said Christopher Beale, by striking several who appeared to vote for the petitioner, which caused a riot, intimidated many of others of petitioner's friends from voting for him, for fear of murder.

Upon examination, the committee resolved: "That Christopher Beale was duly elected a citizen."—To which the House agreed.

Dec. 2, 1695. A petition of Sir Edward Seymour, bart., and John Snell, esq., against the return of Mr. Tyley and Mr. Seyward, by means of menaces, bribes, and combination of the sheriff of this city.

No report appears.

Parl. 14. John Burwich, Cholwick, esq. pe-

tioned against Mr. Baring's election. Petition withdrawn.

Parl. 17. Sir Charles Warwick Bamfylde, bart., and others, petitioned against Mr. Baring's election.—March, 1791. The chairman reported, that Mr. Baring was duly elected.

CORPORATION.

This consists of a mayor, recorder, twenty-four aldermen, fourteen common-councilmen, a sheriff, a chamberlain, four bailiffs and a town-clerk, and has a sword-bearer, four sergeants at mace, and four staff-bearers. The incorporate body is divided into companies, and each company is governed by officers, annually chosen from amongst themselves. Civil causes are tried by the mayor, who has cognizance of all pleas; hears all causes between party and party; and determines them, with the advice of the recorder, aldermen, and council of the city; but criminal causes, and breaches of the peace, are determined by eight aldermen, who are justices of the peace.

RIGHT OF ELECTION.

Is understood to be in the Freeholders and Freemen of the city. There never having been any determination of the House on that question.

NUMBER OF VOTERS—1200.

RETURNING OFFICER—the Sheriff.

POLITICAL CHARACTER.

This is one of the few places in Great Britain which, in parliamentary language, is called an

open city, from its not being under the influence of a nobleman, or any other individual. Were this the case in every city and borough, however imperfect the organization of their respective constitutions, our greatest complaint, that of base inequality, and individual influence, would be removed. Twelve hundred freemen are a number that commands a powerful claim to representation; but, where the right is vested in twenty-four, thirty-six, or fifty-four corporators, as in most boroughs, and even in the populous cities of Bath, Winchester, and Salisbury, it becomes a grievance of such a magnitude as to be countenanced and supported only by the possessors of that despotic influence which entails slavery on a people.

The only vice in the elective right of this city is that of half of the voters being non-resident, which causes a ruinous expense to the candidates, and leaves no freedom of choice to the electors.

PLYMOUTH.

PLYMOUTH is a sea-port, borough, and market town, in the hundred of Roborough, Devon, situated at the mouths of the Tamar and Plym, which here fall into a bay of the Channel, called Plymouth Sound, 43 miles from Exeter, and 220½ from London, by Ashburton and Ivy-bridge, and 228 by Totness. It contains 4,447 houses, and 43,194 inhabitants; viz. 18,016 males and 25,178 females, of whom 7,308 were employed in various trades, manufactures, and handicrafts. The mouth

Willis,
v, iii. p. 15.

of the Tamar is called Hamoaze, and that of the Plym, Catwater. The markets are on Monday, Thursday, and Saturday; the toll of which, being very considerable, belongs to the corporation. Fairs 28th January, and 21st September.

REPRESENTATIVE HISTORY.

This borough, anciently known by the name of Sutton, having sent burgesses to Parliament in the 26th and 33d of Edward I., in the 4th and 7th of Edward II., and to a council in the 14th of Edward III.: at the last of these periods intermitted returning till the 20th of Henry IV., who incorporated it *anno regni* 18.

PETITIONS, &c. April 27th, 1660. Mr. Turner reported touching the double return for this borough, Mr. Sergeant Maynard and Mr. Edmund Vowell, returned by the mayor, and of William Morris and Samuel Trelawny, esqrs., by the freemen.

June 9. Resolved: "That Mr. Secretary Morris and Samuel Trelawney, esq., are duly elected, and that the right of election is in the mayor and commonalty."—To which the House agreed.

Oct. 28, 1689. A petition of Martin Ryder, esq., against the return of John Granville, esq.

Resolved: "That John Granville, esq., is duly elected:" which, upon being read twice, the House agreed to.

Resolved, Jan. 17, 1740. "That, in the last determination of this House, it appears, that the commonalty, therein mentioned, extended to freemen only." Upon which the sitting member, John

Rogers, esq., declared he would give the House no further trouble, and then he withdrew, and Charles Vanbrugh, esq. was voted duly elected.

Parl. 14. John Culme, esq. petitioned against the election of Sir Frederick Leman Rogers, bart., in July, 1780: but the Parliament was dissolved before the merits of the cause could be tried.

Parl. 15. John Culme, esq., petitioned; but the committee found the sitting members duly elected. April 5, 1781.

Parl. 17. Captain John M'Bride, petitioned against Sir Frederick Leman Rogers' election.—Renewed the 2d session. On —, 1792, a committee was ballotted for; but the petition was withdrawn, and the sitting member declared duly elected.

Feb. 9, 1807. Sir William Elford, bart., and others, petitioned against the return of Sir Charles M. Pole, bart. The committee appointed to try this election, founded their decision on the last resolution of the House, respecting the right of election for the borough of Plymouth, which is vested in the mayor, aldermen, and freemen of this borough, and not in the freeholders: and found that the sitting members were duly elected.

CORPORATION.

This consists of a mayor, recorder, twelve aldermen, and twenty-four common-council.

RIGHT OF ELECTION.

In the Corporation and Freemen.

RETURNING OFFICER—the Mayor.

NUMBER OF VOTERS—about 200.

PATRON—His Royal Highness the Prince of Wales.

POLITICAL CHARACTER.

This town, together with Stonehouse and Plymouth Dock adjoining, contain a population of more than sixty thousand; and yet the number of voters do not exceed two hundred! The right of voting in this borough was, on the 9th of June, 1660, resolved to be in the mayor and commonalty; but, on the 17th January, 1739, it was determined, that the word *commonalty*, therein mentioned, extended *only to the freemen of the said borough*.

This place has, for above a century, been considered as an Admiralty borough, and has generally been represented by lords of the admiralty, or admirals of the navy; but since his Royal Highness the Prince of Wales did the corporation the honor to become their recorder, they consider themselves under his royal patronage, and two gentlemen of his household have represented them.

The picture of the royal recorder decorates the town-hall, and is placed over the mayor's seat.

OAKHAMPTON.

OAKHAMPTON is a borough, market town, and parish in the hundred of Lifton, Devon, situated near the source of the small river Oak or Oke, in a valley, about one mile from the borders of Dartmoor, 21 miles from Exeter, and 195 from London;

containing 264 houses and 1,430 inhabitants; of whom 223 were returned as being employed in various trades. It has a small manufactory of serges. The market is on Saturday. Fairs, 23d March, 17th May, 6th July, and 5th August.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament in the 28th of Edward I. and the 7th of Edward II., after which it ceased to do so till the last Parliament of Charles I.; when its privileges were restored.

Willis, vol.
ii. p. 307.

PETITIONS, &c. Dec. 12, 1640. A petition of the mayor and burgesses of this borough.

No report. In this Parliament, however, we find two members were returned.

April 27, 1660. A report being made of the double return of Edward Wise, and Josias Calmady, esqrs.; and of Robert Reynolds, esq., (returned without the hand and seal of the mayor.)

Resolved: "That Edward Wise and Josias Calmady, esqrs., are duly elected."—To which the House agreed.

Nov. 2, 1705. A petition of John Dibble, esq., against the return of Thomas Northmore, esq., and Sir Simon Leach.

No determination.

A petition of Sir Simon Leach, K. B. against the return of John Dibble, esq., by means of indirect practices, in prevailing on the mayor, who had no right, to poll for him.

No determination.

A petition of Christopher Tendal, mayor of this

borough, complaining that, at the late election of members for Parliament, Mr. Northmore and Mr. Dibble were declared by him duly elected; that he signed an indenture accordingly for those gentlemen, and sent it to the sheriff; that petitioner was sent for the following morning by Mr. Northmore, the town-clerk, (and agent of Sir Simon Leach,) when he informed him the election would be disputed in Parliament; but, if he would put his *mark* (being an illiterate man) to an instrument then produced, it would save further trouble; which petitioner accordingly did: and was shortly after informed, that it was the return of Mr. Northmore and Sir Simon Leach; which petitioner immediately acquainted the sheriff with, and advised the said sheriff to return none but the first named: yet, he now understands, he has returned both.

Resolved: "That Sir Simon Leach is not duly elected."

Resolved: "That John Dibble, esq., is duly elected." Which resolutions, being read twice, were agreed to by the House; and Sir Simon Leach's indenture ordered to be taken off the file.

Dec. 5, 1710. A petition of Christopher Harris, esq., complaining of many undue practices in the election of members for this borough.

Resolved: "That the right of electing members for this borough, is in the Freeholders and Freemen, made free according to the charter, and by the laws of this borough."

Parl. 15. George Jennings, esq., petitioned, but withdrew his petition.

Parl. 16. George, Lord Viscount Malden, (eldest son of the Earl of Essex) and Humphrey Minchin, esq., petitioned.—Renewed the 2d session. The committee found the petitioners duly elected. April 27, 1785.

The state of this borough is singular. Its constitution is partly feudal and partly corporate. Previous to the acceptance of the charter, the portreve of the borough had always made the return; but, from the date of the charter, 1623, the mayor has taken upon himself that office. A Mr. Hawkes, an ingenious attorney of this place, chose, in his own person, to revive the office of portreve at the last general election, which had lain dormant for 167 years, and in that capacity to take the poll; he accordingly made a return to Parliament of John William Anderson, and John Townson, esqrs., as being duly elected to represent the borough. The portreve had formerly been chosen by the homage of a court-leet of the lord of the manor, at Michaelmas in every year; but, as the charter gave the corporation a power to make bye-laws, it was cautiously and cunningly provided, by one of the first acts of the corporation, that the mayor, for the time being, should be presented to the homage, to be chosen portreve also for the year of his mayoralty. Thus were the feudal and corporate offices united in one person. The junction of the offices took place in 1623, and, with but one exception, has continued ever since. Mr. Hawkes was duly chosen by the homage, at the Michaelmas court-leet of 1789, and appeared to have a very strong

claim to exercise the powers of returning officer. The mayor also chose to act the same part with Mr. Hawkes the portreve: he took a poll, admitted votes which Mr. Hawkes rejected, and rejected votes which Mr. Hawkes admitted, and concluded by returning Colonel St. Leger, and Robert Ladbroke, esq., to Parliament. By this last return, the numbers were stated to be, for

Colonel St. Leger.....168

Mr. Ladbroke167

Mr. Townson 69

Mr. Anderson 68

Although, by the return of Mr. Hawkes, Townson appeared to have 102, and Anderson 101, and St. Leger and Ladbroke to be in a minority with both.

A DOUBLE RETURN.

This double return came to a hearing before a committee of the House of Commons, on Friday, the 4th of February, 1791; when the question at issue, between Thomas Bridgman Luxmore, the mayor, and John Hawkes, the portreve, as to the right of exercising the powers of returning officer, came first to be argued. The committee, after hearing the evidence, determined,

1st. "That the portreve *is not* the proper returning officer for the borough of Okehampton."

2d. "That the mayor *is* the proper returning officer."

By this decision, St. Leger and Ladbroke became the sitting members, and Townson and Anderson became the petitioners.

The counsel for the petitioners then proceeded

to give their clients a majority by objecting to four votes which the mayor had admitted for the sitting members, which were bad votes ; and also to seventy-two voters, who had freeholds conveyed to them by the Duke of Bedford, Earl Spencer, and a Mr. Harris, for no equitable consideration, only a few weeks before the election : these conveyances being made to persons collected from every quarter of the kingdom. It appeared in evidence that *thirty-one* of those grants were made by Earl Spencer, *twenty-one* by the Duke of Bedford and Mr. Palmer, and the remainder by other gentlemen in the interest of the above noblemen. After hearing arguments of counsel *pro* and *con.* and several evidences, whose examination lasted during some days, the committee determined as to each of the seventy-two votes so obtained ; and their opinion was, that *every one of them was bad.*

The counsel for Townson and Anderson then proceeded to adduce evidence against the other voters, to whom they objected.

These were four, viz. Robins, Lethbridge, Henley, and Ford. The first was objected to on the score of insanity ; but the counsel failing in their proof, his vote was declared *good.*

The second was objected to as a distributor of stamps, and of course disqualified by Mr. Crewe's bill ; but it appearing that he was appointed by the distributor of stamps for the county, and not by government, his vote was adjudged *good.*

The third was objected to on the same ground, he being employed in the collection of the excise:

but it appearing that he had been discharged by the board for more than five years, and that he was only employed occasionally by the collector of the district, during the absence or sickness of other excise officers, for which he received at the rate of £40 per annum, from the collector, to be afterwards allowed by the board at their discretion, his vote was declared *good*.*

The fourth was objected to, as not having been admitted to his freedom until after the election. He was entitled to his freedom by birth; but not arriving at Oakhampton until the Sunday before the election, which happened the next day, the mayor not being bound to hold a court on a Sunday, and there not being time on the Monday morning, the vote was deemed *good*.

Two other votes were added to the poll of the petitioners, and some rejected, as was the fortune

* A similar decision took place in the court of King's Bench, in Michaelmas term, 1790. Two actions were brought by one Evans, a hair-dresser, of Brighthelmstone:—one against Richard Stevens, the other against John Ockendon, electors of Seaford, for the penalties of £100 each, under Mr. Crewe's bill; the said Stevens and Ockendon having been employed within the last year, previous to the election at which they had given their votes, in the capacity of what is termed hop-assistants, to collect and manage the receipt of the duty upon hops, during that season in which hops are gathered. The causes were tried at the last summer-assizes for the county of Sussex, when the jury found special verdicts in each cause, subject to the decision of the court of King's Bench, in which the actions were brought. The court determined that they *did not* come under the description of revenue-officers, and, of course, judgment went for the defendants.

of the sitting members : at length the committee having finished the evidence, there appeared a majority of *two* votes for St. Leger, and *one* for Ladbroke, who were thereupon declared to be duly elected.

So little do the rights of election seem to have been understood, until very lately, in this country, that, at an election for this borough in 1660, the freeholders, who first asserted their right to vote, assembled in a tumultuous manner to oppose the mayor, and made a return of *one member only*, contrary to every idea of right ; for they either must have been entitled to the election of two members, or none. However the house recognized their right the ensuing year, and they have continued to exercise it ever since.

CORPORATION.

The corporation consists of eight principal burgesses, from whom the mayor is annually chosen, and of as many assistants.

RIGHT OF ELECTION.

Feb. 24, 1810. Resolved: "That the right of electing members for the borough of Oakhampton, is in the Freeholders and Freemen, being made free according to the charter, and bye laws of the said borough."

NUMBER OF VOTERS—220.

RETURNING OFFICER—the Mayor.

PATRON—Albany Savile, esq.

POLITICAL CHARACTER.

The right of election in this borough not having received any determination under the amended Grenville Act, is still open to litigation, and is disputed between the freemen and freeholders, particularly such as are called *faggots*. Those made by Mr. Savile the patron, on purpose to make a majority on the poll over the freemen, are held, by the best legal authorities, to be bad, and will probably occasion another petition. If they should not, then the nomination of the two members will be exclusively in the patron, as is the case in thirty-six burgage tenure boroughs, which send seventy-two members to the British Parliament by the fiat of thirty-six individuals!

This borough was the property of the late Duke of Bedford, and the present Earl Spencer, who sold it to Richard Bateman Robson, esq., and his brother the late Mr. Holland the architect; it was by them again sold, we understand, for sixty thousand pounds, to Mr. Albany Savile, the present proprietor.

BARNSTAPLE.

BARNSTAPLE is a seaport, borough, and market town, in the hundred of Braunton, 194 miles from London; containing 619 houses, and 3,478 inhabitants, of whom 578 were returned as being employed in trade or manufacture. It stands on the river Taw, 36 miles from Exeter. Its name

is derived from *Bar*, the mouth of a river, and *Staple*, trade. It is pleasantly situated among hills, in the form of a semi-circle, through which the river runs. The streets are clean and well paved, and the houses built of stone. Over the river is a stone bridge of sixteen arches. The markets are large, for cattle, corn, and all kinds of provisions, on Friday; and it has several woollen manufactories for tammies, shalloons, baize, &c.

REPRESENTATIVE HISTORY.

This ancient borough is situated in the county of Devon, and was first incorporated by Henry the First. King John afterwards gave it a mayor, and Queen Mary ordained two aldermen and twenty-two common-council. All its privileges were ratified by James the First. It has been represented from the 23rd of Edward the First till the present time.

PETITIONS, &c. Aug. 6, 1641. Resolved: "That Mr. Perd is duly elected, and that the election of Mr. Ferris is void."

Note. It does not appear at what time this election was complained of.

Oct. 25, 1680. A petition of Richard Lee, esq.

Resolved: "That Richard Lee, esq., is duly elected."

May 24, 1685. A petition of John Rolfs, esq., touching the election of this borough.

No determination.

Parl. 17. Richard Wilson, esq., petitioned against Mr. Cleveland's election; and, on the

14th of March, 1791, the chairman reported that the sitting member was duly elected, and that the petition was frivolous and vexatious.

Parl. 2. Richard Wilson, esq., petitioned; but the committee found Sir Edward Pellew duly elected, February, 1803.

Lord Lyt-
leton, vol.
iii., p. 413.

The ancient history of this borough is given in the first volume of this work, page 61, where it is proved to have been a Saxon borough, and to have sent members to the parliament, or *witena gemote*, of the Saxons, in the time of King Athalstan. This right was accordingly recognized by King Edward III., in the 12th year of his reign, and it has ever since sent members to Parliament by prescriptive or inherent right.

Doctor
Hody,
p. 375.

The modern history of this borough is of a very different complexion. If any one borough in the country is more corrupt than another it is this. The expenses of a candidate at a contested election here, *is from ten to thirteen thousand pounds*. The right of voting is in the corporation, and about four hundred burgesses, not more than a fourth part of whom reside in the town. The rest are distributed in London, Bristol, the East and West Indies, *Botany Bay*, and all over the world. About seventy of them reside in London, and are continually upon the hunt for candidates, under pretence that one of their members is ill, or about to accept a place, or to be created a peer, so that a vacancy is expected, and the person applied to is sure to be chosen, if he will but give a dinner or a supper to the burgesses residing in London, and a few guineas to each by way of a retaining

fee. They will, on these conditions, be certain to write to their friends in the country to inform them what a generous candidate they have procured. This will produce an invitation from those who reside there, to the gentleman who has made so good a beginning, to come down and be elected. One or two of these managers, as they call themselves, are to be sent down with their pockets well supplied, to give a supper at Bristol, and another at Barnstaple, and get the invitation signed. They return with the triumphant instrument. The candidate accordingly arrives ; he is ushered into the borough with ringing of bells, is drawn round the town by the populace, and may think himself fortunate *if he gets away without being ruined.*

Above a score gentlemen we could name, can bear witness to the losses they have suffered by these impositions : even a learned knight and doctor of civil law is minus about a thousand pounds by the excitement held out to him of becoming member for Barnstaple.

When a candidate arrives at this place, the very burgesses who signed their names to the invitation make no scruple of refusing him their votes, informing him they only set their names to the paper to bring him down that they might see how they liked him ; and we have known a great number of the freemen of this place receive six guineas each to bear their charges from London to Barnstaple at an election, and at the poll every one of them have voted against him to get their expenses paid over again by another candidate.

These honest electors had once the fortune to have a candidate as slippery as themselves: he distributed drafts for large sums payable in London; treated the voters with dinners and entertainments; and went off a day or two before the election, leaving his agents, managers, and the unfortunate landlord, who was an innocent man, (having neither a vote nor any concern in the election), all unpaid, as were his drafts upon London, which he had the folly to believe would secure his election.

CORPORATION.

This consists of a mayor, recorder, two aldermen, and twenty-two capital burgesses, by charter of Mary.

RIGHT OF ELECTION.

In the Corporation and common Burgesses.

NUMBER OF VOTERS—400.

TOTNESS.

TOTNESS is a borough, market-town, and parish, in the Hundred of Coleridge, Devon, situated on the river Dart, about 12 miles from the sea, and 195 from London; containing 295 houses, and 2,503 inhabitants. It has a trifling manufacture of woollen cloth, but the chief employment of the inhabitants is in the fishery. The river Dart is very broad at this town, and the tide flows nearly 12 feet at the bridge. The

market on Saturday is well supplied with provisions of all kinds. Fairs, Easter Tuesday, May 1, July 25, and October 28.

REPRESENTATIVE HISTORY.

This town was incorporated by charter of the 7th of King John, and made a mayor town, which was since confirmed by Edward I. It has, from the 23rd of Edward I., returned burgesses to Parliament, who, in the 27th of Henry VI., were elected in the county court; but it was very early made a close borough.

PETITIONS, &c. Nov. 29, 1695. A petition of Sir Richard Gipps, knight, and Jas. Bateman, esq., against the return of Sir Edward Seymour and Edward Tard, esq.

March 4, 1696. Resolved: "That Sir Edward Seymour and Edward Tard, esqrs., are duly elected."

"That the petition of Sir Richard Gipps, complaining of an undue election for this borough, is vexatious, frivolous, and groundless."

Resolved: "That the persons made free, within this borough, by the late King James's charter, had *no* right to vote by virtue of such freedom."

"That the right of election is in the Freemen *not inhabiting*, as well as in the Freemen inhabiting within this said borough."—Which resolutions, being read twice, were agreed to by the House.

Resolved: "That Sir Richard Gipps, having preferred to the House a frivolous, vexatious, and

groundless petition, be taken into the custody of the sergeant at arms."—And further,

Resolved : " That the said Sir Richard Gipps do make satisfaction to the members of this House whom he petitioned against, for the costs and expenses they have been put to by reason of the said petition."

CORPORATION.

This consists of a mayor, recorder, thirteen capital members, or assistants, two counsellors, and twenty burgesses, by charter of Queen Elizabeth.

RIGHT OF ELECTION.

In the Corporation and Freemen, resident and non-resident. March 4, 1695.

NUMBER OF VOTERS—78, fifty of whom are non-resident, and only twenty-eight resident.

RETURNING OFFICER—the Mayor.

PATRON—the Hon. William John Frederic Vane Powlett.

POLITICAL CHARACTER.

This borough has, for many years, received the nomination of one member from the Bolton family. The late Duchess possessed that influence till her death ; and, having bequeathed her property here, including the manor, to her nephew, the Hon. W. F. J. Vane Powlett, second son to the Earl of Darlington, he will most probably succeed to the control of the borough. The Marquis of

Hertford has several times had one of his family chosen ; and his brother, Lord Robert Seymour, expecting to decline the county of Carmarthen, for which he is member, offered himself a candidate for this borough ; but afterwards withdrew his pretensions in favour of Mr. Anderdon and Mr. Seymour, his nephew. At the poll the numbers were, for

Thomas Peregrine Courtenay, esq. . . . 36

Ashford Wise, esq. 32

John Proctor Anderdon, esq. 29

—— Seymour, esq. 23

The state of this corporation at present renders it uncertain who shall ultimately have the preponderating interest at the next election ; nor is it of any consequence, except to the parties interested, *as the rights of the inhabitants of Totness are never considered.*

Here exists an hereditary claim to a burgeship, which we mention on account of its singularity. The Earl of Mount Edgcomb exercises the corporate powers of a burges, in right of his ancestor, Richard Edgcomb, esq., who, in the second year of Queen Elizabeth, conveyed the manor of the borough of Totness to the corporation, on a reserved rent of twenty-one pounds per annum, payable to the owner of the castle, reserving with this alienation the right of a burges-ship to his heirs for ever.

HONITON.

HONITON is a borough, market town, and parish, in the hundred of Axminster, Devon, $9\frac{1}{2}$ miles from Axminster, and $159\frac{1}{2}$ from London; containing 546 houses, and 2,377 inhabitants, viz. 1,083 males, and 1,294 females; of whom 1,250 were returned as employed in trade and manufacture. The buildings are mostly new, the town having suffered considerably by fire at different times. The town is in a very improved state, being paved and lighted, and the houses mostly slated.

It is said, that the first manufacture of serge, in Devon, was established here; but the principal manufacture at present is that of broad lace. Honiton supplies the London market with great quantities of butter. Its market is on Saturday, and its fair, the first Wednesday after July 19.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament in the 28th of Edward the First, the 4th of Edward the Second, and the 12th, 17th, 19th, 22nd, and 26th of Edward the Third. It afterwards ceased to return till the year 1640, when it was restored, and has been represented ever since.

PETITIONS, &c. Nov. 26, 1640. On a report from Mr. Maynard, touching the right of sending members to Parliament, it was resolved:

“That the town of Honiton, in the county of Devon, should be restored to its ancient rights and privileges of sending burgesses to Parliament.”

Nov. 1, 1680. A petition of Edmund Wal-
rond, esq., touching the election for this borough.

No report appears.

Feb. 14, 1700. A petition of William Court-
ney, esq., against the return of Sir Walter Yonge.

Resolved: "That Sir Walter Yonge is duly
elected."—Which being read twice was agreed to
by the House.

Dec. 2, 1710. A petition of James Sheppard,
esq., against the return of Sir Walter Yonge, by
the portreve making a double return of him and
Sir William Drake.

A petition of the potwalloppers, inhabitants of
the said borough, to the same effect.

Resolved: "That James Sheppard, esq., is
duly elected, to which the House agreed."

March 4, 1713. A petition of Sir William
Courtney and Sir William Pole, barts., against the
return of Sir William Drake and James Sheppard,
esq., by means of undue practices used by one
Richard Gill, the pretended portreve.

A petition of Samuel Skinner, William Wind-
win, and Henry Clark, to the same effect.

No determination.

March 29, 1715. A petition of James Shep-
pard, esq., and also of Sir William Drake, bart.,
against the return of Sir William Courtney and
William Yonge, esq.

No determination.

Feb. 23, 1716. A petition of John Elwell,
esq., complaining of undue practices at the late
election.

Petition withdrawn.

Oct. 29, 1722. A petition of James Sheppard, esq., against the return of William Yonge, esq., by means of illegal practices.

A petition of the same against the other sitting member, Sir William Pole, for similar practices.

Petitions rejected.

Nov. 23, 1724. A petition of several inhabitants of Honiton, touching the right of election for this borough.

Dec. 18th. Resolved: "That the right of election of burgesses for this borough is in the inhabitants, housekeepers within this borough, commonly called potwalloppers, not receiving alms."—Which was agreed to by the House.

Parl. 7. Sir William Pole, bart., petitioned: renewed sessions 2, 3, and 4; and was voted duly elected.

Parl. 10. Henry Reginald Courtenay, esq., petitioned against John Heath, esq.: renewed sess. 2.

Parl. 12. Anthony Bacon, esq., petitioned against Sir George Yonge's election; but on the 26th of January, 1764, he withdrew his petition.

Parl. 14. John Baring, esq., petitioned; but withdrew his petition.

Parl. 15. Lawrence Cox and John Honeywood, esqrs., and several others, petitioned. Mr. Cox had leave to withdraw his petition. The merits of the election were tried by a committee, who reported, that Sir George Yonge, bart., was duly elected; but that, so far as it related to Mr. M'Leod, it was void. March 27, 1781.

— Alexander M'Leod, esq., petitioned

against Mr. Wilkinson's election, and the chairman reported, that the sitting member was duly elected. Feb. 19, 1782.

Parl. 16. John Baily, esq., and others of the inhabitants, petitioned: renewed the 2nd and 3rd sessions. The committee found the sitting members duly elected.

James Fraser, esq., petitioned against the return of George Templar, esq., in 1790, charging the sitting member with bribery and corruption.

The committee was appointed March 21, 1792, and the next day the chairman reported:

"That George Templar, esq., was duly elected."

"That the petition of James Fraser, esq., did not appear to the committee to be frivolous or vexatious, and that the opposition of George Templar, esq., did not appear to the said select committee to be frivolous or vexatious."

Sir G. Yonge, bart., petitioned against the return of Sir John Honeywood, Dec. 6, 1802. Renewed Nov. 28, 1803; but the chairman reported that the sitting member was duly elected, and that the petition was not frivolous or vexatious. Feb. 20, 1804.

A petition against the return of Lord Cochrane and the Hon. A. C. Bradshaw, in 1806, was ordered to be heard March 3, 1807, but the dissolution of Parliament prevented any trial.

CORPORATION.

None.

RIGHT OF ELECTION.

It was formerly in those paying scot and lot, and in housekeepers and pot-wallers, not receiving alms: the right of the latter was conferred and exercised in consequence of a petition against Walter Yonge, esq., 1701; but upon a special return of Sir William Drake, bart., Sir Walter Yonge, bart., and James Sheppard, esq., the portreve referred the matter to the House, where, after discussing both sides, a great majority,

Feb. 3, 1710, Resolved: "That the right of electing members to serve in Parliament for the borough of Honiton, in the county of Devon, is in the inhabitants of the said borough, paying scot and lot only."

Fourteen years after, however, the right of voting was again allowed to the pot-wallers, by the following determination.

Dec. 18, 1724, Resolved—"That the right of election of burgesses to serve in Parliament for the borough of Honiton, in the county of Devon, is in the inhabitants, housekeepers, within the said borough, called pot-wallers, not receiving alms of the parish."

NUMBER OF VOTERS—350. The number of houses out of the borough are only twelve.

RETURNING OFFICER—the Portreve, chosen by a directed jury at the court-leet of the lord of the manor.

PATRONS—Christopher Flood, esq., and James Townsend, esq.

POLITICAL CHARACTER.

The members for this borough are generally strangers, who are sought out by individuals properly instructed, or recommended by the treasury. Previous to a vacancy, these dealers in corruption endeavour to find a candidate suited to their purpose, as rich and unexceptionable as possible, who, depositing a certain sum of money, is sure of having every art and effort exerted in his favour. Thus bribery commences and continues in proportion to the activity of the agents of a third candidate.

The mode pursued is that of giving to each voter from five to fifty guineas, according to the emergency of the contest; and to their wives, meat, clothes, &c., and also by opening inns, for which purpose a considerable number are permitted to exist. The number of votes influenced by these or other private considerations, are nineteen out of twenty. The sum necessary to purchase a seat may vary from 2000*l.* to 8000*l.*

The manor of Honiton has for many years belonged to Lord Courtenay and his ancestors; but was purchased, upon speculation, by Messrs. Townsend and Smith, bankers of this town, and by them again disposed of to Ebenezer Fuller Maitland, esq.; that gentleman, however, not liking his purchase, it was again sold to Arthur Champernoun, esq., the late high sheriff of Devonshire, who is the present proprietor. The interest he possesses is only that of appointing the portreve, who is the returning officer and the bai-

liff of the manor at his court-leet. He is also the proprietor of the two principal inns, the Golden Lion and the Dolphin, and of some other houses ; but Mr. Flood and Mr. Townsend, two attorneys, who reside in the place, have the entire control of the borough.

TAVISTOCK.

TAVISTOCK is a borough, market-town, and parish, in the hundred of Tavistock, Devon, near the river Tamer, 14 miles from Plymouth, and 206 from London ; containing 472 houses and 3,420 inhabitants, of whom 556 are returned as employed in trade and manufacture. This town is well built.

REPRESENTATIVE HISTORY.

This borough sent members to Parliament in the 23d and 33d of Edward I. and in the 19th of Edward II., and then ceased to do so till the 4th of Edward III., since which time it has constantly returned members.

PETITIONS, &c. April 27, 1660. On a report of the double return for this borough it was agreed by the House, that George Howard, esq., was duly elected.

May 23. On another report of a double return for this borough, it was agreed by the House, that the said George Howard, esq., was duly elected.

May 16, 1661. Sergeant Charleton reported from the committee, that the election of William Russell, esq., is void ; to which the House agreed.

Dec. 17. Sergeant Charleton reported from the committee, that William Russell, esq., was duly elected, and ought to sit; to which the House agreed, and ordered the return to be amended accordingly.

March 24, 1689. A petition of Ambrose Manaton, esq., against the return of Sir Francis Drake, by means of undue practices on the part of the portreve.

Upon several petitions to the same effect, it was resolved, Dec. 8, 1691, "That Sir Francis Drake is duly elected a burgess for this borough, which being read a second time, was agreed to by the House."

Nov. 29, 1695. A petition of Ambrose Manaton, esq., against the return of Lord James Russell.

March 13, 1696. Resolved: "That Lord James Russell is not duly elected, and that Ambrose Manaton, esq., is duly elected.

Nov. 25, 1696. A petition of the same against the return of Sir Francis Drake, bart.

Feb. 4, 1697. Resolved: "That Sir Francis Drake, bart., is duly elected to serve for this borough;" and that the right of election "is in the Freeholders of inheritance in possession, inhabiting within this borough, who have been, or shall be, presented as such by the jury of enquiry of the said borough;" which resolutions, being read twice, were agreed to by the House.

Feb. 18, 1700. A petition of James Bulteel, esq., against the return of Edward, Lord Russell, by means of various illegal practices.

No determination.

Oct. 24, 1702. A petition of Henry Manaton, esq., against the return of Lord James Russell.

Dec. 20, 1703. Resolved: "That the said Lord James Russell is not duly elected, but that Henry Manaton, esq., is duly elected."

Dec. 1, 1710. A petition of James Bulteel, esq., against the return of Henry Manaton, esq., by means of several undue practices.

Feb. 3, 1711. Resolved: "That Henry Manaton, esq., is not duly elected, and that James Bulteel, esq., is duly elected; and further, that the petitioner has fully made good the allegation of his petition." Resolved also: "That John Edgecomb, esq., having tampered with the witnesses of James Bulteel, esq., is guilty of a high crime and misdemeanor;" and ordered,

"That the said John Edgecomb be taken into the custody of the sergeant at arms." Also ordered:

"That John Hervey, portreve of this borough, being guilty of many corrupt and illegal practices, be likewise taken into custody of the sergeant at arms."

March 30, 1715. A petition of Henry Manaton, esq., complaining of many undue practices in the election for this borough.

No decision.

CORPORATION.

None.

RIGHT OF ELECTION.

The right of election is vested in the freeholders, who, at the last poll taken, were one hundred and ten in number. Those freeholds, however, being

the property of the Duke of Bedford, there cannot be said to be more than *one* actual elector.

Here is an instance of a large and populous town, whose representatives are chosen, not by a hundred and sixty self-elected corporators, like Plymouth, or by twenty-four, which is the case at Tiverton, but by one hundred and ten freeholders, who hold those freeholds under the conveyance of an individual, for the purpose of making an election of two representatives.

NUMBER OF VOTERS—110.

RETURNING OFFICER—the Portreve annually chosen at the lord's court by twenty-four freeholders, appointed by the steward for that purpose.

PATRON—Duke of Bedford.

POLITICAL CHARACTER.

This borough was formerly the seat of Orgar, Earl of Devonshire, whose son, Ordulf, built an abbey here anno 961 ; the revenues of which were valued, 26th of Henry VIII., at £902, 5s. 7d. per annum. At the dissolution of the abbey, 1539, the 31st of Henry VIII., that king, by letters patent, dated July 4, gave John Lord Russell, afterwards created Earl of Bedford, *the site of this monastery, with the borough and town of Tavistock, and burgage thereof*, with the rectory and advowson of the vicarage ; in which family it has ever since continued.

PLYMPTON EARLE.

Brady on
Boroughs,
p. 41.

PLYMPTON EARLE is a borough, market-town, and parish, in the hundred of Plympton, Devon, 5 miles from Plymouth, and 217 from London; containing 83 houses, and 604 inhabitants. It is situate in a valley, about a mile from the river Plym, from which it derives its name. It was formerly called Plympton Thomas, out of respect to Thomas à Becket. The town consists of two irregular streets. The market is on Saturday; there is also a market for all kinds of cattle the second Wednesday in every month. The town is well supplied with fish from the neighbouring sea-port towns, almost every day. Fairs, 25th of February, 5th of April, Holy Thursday, 12th of August, and 29th of October, for cattle, pedlary, &c. It is described in Domesday Book under the title of *Terra Regis*, as are Tavistock, Ashburton, and Tiverton, all of which places were then the king's demesne lands, but not burghs; and the making this place so, is attributed to Baldwin de Redvers, Earl of Devon, and Lord of the Isle of Wight, as is recited by his charter given by *Inspeximus*, in the thirteenth year of Edward the Third, and confirmed by Edward the Third, Richard the Second, Henry the Fifth, and Henry the Sixth. This charter is dated March 25, 1241, in the twenty-sixth of Henry the Third, which was afterwards confirmed by Isabella de Fortibus, his heir and successor to this earldom.

Ibid. p. 46.

The system of modelling the charters, exercised in the arbitrary reigns of Charles the Second and James the Second, was practised in this borough; but the charter of James the Second was, at the Revolution, voted destructive of the constitution and government, and the freemen claiming under the former charters were re-admitted to their franchise.

Plympton sent, like Barnstaple, members to Parliament as early as the twenty-third of Edward the First.

PETITIONS, &c. Oct. 27, 1666: A double re-Peckwell, v. 1, p. 3. turn for this borough was the occasion of the sheriff and under-sheriff of Devonshire, and the bailiff of the borough being committed to the custody of the sergeant at arms. By one indenture Sir Edmund Fortescue was returned, and by the other Sir Nicholas Sluning, "so as the Parliament and Committee of Privileges shall approve of it." This was called "*an absurd and unusual clause.*"

"Resolved: "That Sir Edmund Fortescue is duly elected."—To which the House agreed.

Resolved, "That John Kiland, high sheriff, and Edward Hayman, under-sheriff of the county of Devon, and Mr. Nicholas Horseman, mayor of the borough, be each sent for in the custody of the sergeant at arms, or his deputy, for their misdemeanors and abuse in making the return for this borough."

Nov. 29. Sergeant Carleton reported from the committee, "That the petition on behalf of Sir Nicholas Sluning was withdrawn: that they were

of opinion to dismiss the cause as to the pretence of the said Sir Nicholas Sluning, and that Sir Edmund Fortescue is duly elected."—To which the House agreed, and ordered :

“ That the said sheriff and deputy-sheriff of the county, and the mayor of this borough, be discharged on paying their fees.

March 19, 1676. A petition of Richard Strode, esq., against the return of George Treby, esq.

No determination.

May 23, 1678. A petition from the same to the same effect.

No determination.

Glenbervie,
v. xi., p. 23.

Journ.,
v. i., p.
352, 378.

Glenbervie,
v. xi., p. 42.

In 1684, the corporation had been prevailed upon to surrender their charter, and a new one was granted by James II., March 21, 1684-5, under which two members were chosen and returned to parliament; but on a petition of the mayor, bailiff, &c., of the old corporation, the election and return were determined to be void, and the House, April 14, 1690, resolved, “ That the charter granted by the late King James to the borough of Plympton is illegal, and destructive to the constitution of the government.” And John Avent, the pretended mayor and returning officer, was sent for into the custody of the ser-geant at arms. This charter was deemed illegal, because it left the members of the corporation at the mercy of the crown, and narrowed the right of election for members of Parliament.

June 3, 1685. A petition of Sir George Treby, touching the election for this borough.

No determination.

Jan. 28, 1688. A petition of Richard Strode, esq., touching the election for this borough, and complaining of undue practices.

No determination.

May 2, 1690. A petition of the freeholders and burgesses of this ancient town and bailiwick, complaining that by undue means a charter was procured to make this town become a mayor town, and making foreigners freemen thereof, which having been surrendered to the late King James, another was procured, whereby a greater power is pretended.

A petition of Richard Strode and Peter Fortescue, esqrs., shewing, that the late election for this town was made void, and a new one ordered; whereupon the petitioners were duly elected; but that John Tozer, the pretended mayor, (residing three miles from the borough,) had returned Sir George Treby and John Polexfen, esq.

Oct. 14. Two petitions the same in substance with the former.

No determination.

Oct. 27, 1691. A petition of Mr. Strode, in substance the same as the former.

Dec. 5. Petition withdrawn.

Feb. 14, 1700. A petition of Richard Hele and George Parker, esqrs., against the return of Courtney Crocker and Martin Ryder, esqrs., by means of treats and bribery.

No determination.

Oct. 24, 1702. A petition of Richard Hele,

esq., against the return of Richard Edgecomb and Thomas Jervoise, esqrs., by means of illegal votes being admitted by the mayor, and other indirect and undue practices.

A petition of John Williams, esq., to the same effect.

Nov. 6. A petition of Richard Strode, esq., and others, to the same effect.

Jan. 28, 1703. Mr. Bromley reported from the committee, "That the right of election of burgesses for this borough was in the mayor, bailiffs, and freemen, of the said borough, and in the sons of freemen who have a right to demand their freedom, and have been refused the same."

Resolved: "That the proceedings of the mayor and corporation of this borough, in making freemen after the death of his late majesty, to vote at the last election, was illegal, and contrary to the rights of the said corporation; and that those freemen then pretended to be made have not thereby obtained any right to vote upon that account at any future election;" and ordered the return to be amended.

Resolved: "That Richard Edgecomb and Richard Hele, esqrs., are duly elected; and that Thomas Jervoise, esq., is not duly elected."—Which resolutions were agreed to by the House.

Nov. 14, 1705. A petition of Richard Strode, esq., against the return of Sir John Cope, and Richard Edgecomb, esq., by the connivance of the mayor.

No determination.

ALDERMEN, *or* FREEMEN-MAKERS.

Earl of Mount Edgecomb.

Paul T. Treby, esq.; Goodmore, near Plympton.

John Boger; attorney and agent to Lord Mount Edgecomb.

Jonathan Elford; attorney and agent to Mr. Treby.

Treby Hele Hayes, esq.; Corwood, near Plympton.

Thomas Edwards, esq.; (Mayor;) Cornwall.

Rev. John Arscot; Cornwall.

Charles Rashleigh, esq.; receiver-general of the land-tax for Cornwall.

One vacant.

FREEMEN, *or* MEMBER-MAKERS.

Sir Harry Trelawney, bart.; Cornwall.

John Anthony Noguir, esq.; barrister, London.

Wm. Mudge, esq.; colonel of artillery, London.

Dan. Tom; Aulbrook, near Plympton, old and invalid.

John Bulteel, esq.; Fleet, eight miles from Plympton.

Francis Delacomb, esq.; Navy Office, London.

Archer Kelley, esq.; barrister, Cornwall.

Rev. Wm. Stackhouse; Modbury, near Plympton.

Rev. Rt. Hughes; Cornwall, invalid.

Ambrose Sedy; mason, Plympton.

William Lewis, esq., Cornwall.

Wm. Rashleigh, esq. ; Cornwall.

Rt. Hon. R. P. Carew, M. P. ; Cornwall.

Rd. Rosden, esq. ; Stamp Office, near Plympton.

Daniel Delafield ; Excise, Plympton.

Benjamin Trickey ; butcher, Plympton.

Thomas Bulteel, esq. ; near Plympton.

Herbert Sawyer, esq., admiral, Portsmouth.

T. H. Tremayne, esq., M. P. ; Cornwall.

Montague Edmund Parker, esq. ; near Exeter.

John Hext, esq., Cornwall.

John Lucas, esq., Plympton.

Rev. John Cole, Oxford.

—— Bent ; contractor, steward to Lord Mount Edgecomb.

George Collins, esq., near Plymouth.

Richard King, esq. ; brewer, near Plymouth.

William Little, esq. ; brewer, Cornwall.

Joseph Weeks ; tanner, Plympton.

John Tour ; clerk in the dock-yard.

John Manly, esq. ; admiral, Plymouth.

George Marshall, esq. ; Plymouth.

Edwin Henry Chamberlayne ; captain, royal navy.

William Foot ; attorney, Dock.

Richard Boger, esq. ; Plymouth, invalid.

Jonathan Walters ; Plympton.

William Eveleigh ; shopkeeper, Plympton.

John Burridge Cholwich, esq. ; Exeter.

Rev. John Rosden.

Francis H. Rodd, esq.

Zachariah Mudge, esq. ; captain, royal navy.

Edmund Boger, esq. ; captain, royal navy.

Paul Treby Treby, esq., junior.

George Palmer, esq.

Coleman Rashleigh, esq.

THE FOLLOWING ARE THE SONS OF FREE-
MEN, WHO ARE PRESUMED TO BE THE ONLY
LEGAL ELECTORS :

Richard Thomas.

Thomas Woolcombe.

Rev. Wm. Manley.

Edmund Body, sen.

John Body, jun.

Roger Atwill, sen.

———, jun.

John Atwill.

John Edgecomb.

John Thomas, sen.

Robert Palmer.

Wm. Woolcombe, sen.

George Woolcombe, esq.

William Woolcombe, M. D.

Henry Woolcombe, gent.

John Thomas, jun.

Thomas Thomas.

George Palmer, esq.

Richard Thomas.

Copernicus Thomas.

Thomas Eveleigh.

William Delafield.

Captain Manly, R.N.

Daniel Delafield.

Richard Thomas, Clerk of the Victualling Office, London.

Peter Richards.

Edward Tutton.

Andrew Brooking.

James Brooking.

John Brooking.

William Brooking.

George Tutton.

CORPORATION.

This consists of nine capital burgesses, or aldermen, from among whom the mayor and recorder are chosen.

RIGHT OF ELECTION.

This is disputed between the made Freemen, and those who claim it by birth.

NUMBER OF VOTERS—about 40, most of whom are non-resident.

RETURNING OFFICER—the Mayor.

PATRONS—Earl of Mount Edgecomb, and Paul Treby Treby, esq.

POLITICAL CHARACTER.

The right of voting in this borough being in Freemen having an hereditary right to the same, agreeably to the decision in 1703, it is presumed that all those who have been made free by the mayor and eight aldermen have no right to vote. About forty of that description, chosen from all parts of England, at present exercise the privi-

lege, to the total exclusion of such sons of free-men as are duly entitled to it, and have a right to admission.

The list of this body of electors, created by nine men who are all non-residents, and have no more concern with the borough of Plympton than they have with the city of Constantinople, is so curious, that we give it to the public as we received it about four years since.

ASHBURTON.

ASHBURTON is a market-town and borough in the hundred of Teinbridge, Devon, nine miles from Totness, and 191 from London; contains 370 houses and 3,080 inhabitants, being 1,323 males and 1,757 females, of whom 267 were returned employed in various trades; it stands in a valley nearly encompassed with hills. This is one of the four Stannary towns of Devon, (the other three being Chegford, Plympton, and Tavistock,) and has several good tin and copper mines in the neighbourhood, which are very productive: it has also a manufactory for serge. The market, held on Tuesday, is chiefly for wool and yarn, and that on Saturday for provisions.

REPRESENTATIVE HISTORY.

This borough returned burgesses to Parliament the 26th of Edward I., and then intermitted till the 8th of Henry IV., when it again ceased till it was restored, with Oakhampton and Honiton,

in the last Parliament of King Charles I., anno 1640.

PETITIONS, &c. Nov. 26, 1640. Mr. Maynard reported from the Committee of Privileges, that in the 26th of Edward I. this borough sent burgesses to Parliament; and it further appeared, as a concurrent proof, that this town did pay the charge of borough towns, tenths and not fifteenths, and that it ought to be restored.

Upon this report it was resolved: "That this borough should be restored to its ancient rights and privileges of sending burgesses to Parliament."

May 31, 1678. A petition of Thomas Reynel, esq., against the return of Rawlin Mallcot and William Stawell, esqrs.

No report appears.

March 24, 1680. A petition of Richard Duke, esq., touching the election for this borough.

No report.

Feb. 4, 1707. A petition of several freeholders of this borough, and another from Andrew Quick, esq., complaining of illegal practices in the election of Roger Tuckfield, esq., for this borough.

Resolved: "That Roger Tuckfield, esq., is duly elected a burgess for this borough."

Nov. 24, 1708. A petition of Richard Reynel, esq., against the return of Roger Tuckfield and Robert Ball, esqrs., by means of divers illegal votes being received.

Feb. 22, 1709. Resolved, *nem. con.* "That Roger Tuckfield and Robert Ball, esqrs., are duly elected burgesses for this borough."

Dec. 1, 1710. A petition of Richard Reynel,

and George Courtenay, esqrs., against the return of Mr. Lloyd and Mr. Tuckfield, by means of threats, treats, bribery, and other undue practices.

No determination.

A petition of Henry Soper and a great number of the other electors of this borough against the same return.

March 12, 1711. Resolved: "That Roger Tuckfield and Richard Lloyd, esqrs. are not duly elected; and that Richard Reynel and George Courtenay, esqrs. are duly elected;" which being read twice was agreed to by the House.

March 4, 1713. A petition of Andrew Quick, and Richard Fownes, esqrs., against the return of Mr. Tuckfield and Mr. Reynel.

No determination.

Resolved, Feb. 26, 1708: "That the right of election is in the Freeholders, having lands or tenements holden of the borough only."

Resolved, March 17, 1711: "That the freeholders of the lands and tenements called Halsanger, and Halwell lands, lying within the borough, and subject to pay a borough-rent, have a right to vote."

Parl. 12. Lawrence Sullivan, esq., petitioned, and after the House had made some progress in the matter, the petition was withdrawn.

CORPORATION.

None.

RIGHT OF ELECTION.

Browne Willis observes, that in this borough all

the housekeepers voted until the year 1707, and that the number upon the poll was 196; so that its personal property in representation has not been of more than 85 years duration. The members are chosen in a place that is now used as a school-house, and which was formerly a chapel dedicated to St. Lawrence.

NUMBER OF VOTERS.—This is of very little consequence, from the majority of the freeholds, which give a right of suffrage, being the joint property of Lord Clinton and Sir Lawrence Palke; and as the freeholds are only divided at their discretion, for the purpose of complying with the forms of an election, the number of voters is virtually only two, although they have been reckoned by Willis and others to be 200.

RETURNING OFFICER—the Portreve.

PROPRIETORS—Lord Clinton and Sir Lawrence Palke, bart.

BEREALSTON.

BEREALSTON, or BEERALSTON, is a hamlet to the parish of Beerferris, hundred of Roborough, Devon, three miles from Saltash, and 215 from London, standing in the western part of the county, within a mile of the navigable river Tamer. It contains about 40 houses. Here is a large tree, under which a court is annually held for choosing the portreve, borough officers, and members of Parliament.

REPRESENTATIVE HISTORY.

This is a very small borough. It never returned members to Parliament till the 27th of Queen Elizabeth, when it was summoned so to do. Carew. p. 43.

PETITIONS, &c. April 28, 1640. Upon the report from the Committee of Privileges, that Mr. Stroud, Mr. Harding, and Sir Amias Meredith, were all returned for this borough, it was ordered,

“That Mr. Stroud should sit in the House; and declared, that no conditional election ought to be allowed.”

Dec. 8, 1641. Resolved: “That Sir Hugh Pollard shall be accused of misprision of treason.”

Resolved: “That Sir Hugh Pollard shall continue no longer a member of this House.”

April 27, 1660. Mr. Turner reported from the committee, “That George Howard and John Maynard, esqrs. are duly elected and returned by the mayor, and ought to sit instead of Sir Francis Drake and another John Maynard, who are returned by the freemen.” Agreed by the House that the two first members should sit.

May 16, 1661. A report to the same effect, which was similarly decided.

A petition of Elize Crymes against the election of Mr. Howard.

Petition dismissed; Mr. Howard's election being unquestionable.

Oct. 22, 1666. Ordered: “That Andrew Barry, esq., under-sheriff for the county of Devon, be

taken into the custody of the sergeant at arms or his deputy, for his abuse in refusing to make a return of the writ issued for electing a new member."

May 11, 1721. A petition of several of the free burgesses of this borough, touching the right of election, and against the return of Philip Cavendish, esq.

Resolved, *nem. con.* "That the right of election for this borough is in the freehold tenants, holding by burgage tenure, and paying threepence per annum, or more ancient burgage rent, to the lord of the said borough, and in them only."

"That Philip Cavendish, esq. is not duly elected."

"That St. John Broderick, esq. is duly elected as a burgess to serve for this borough."

March 26, 1729. The house being acquainted that an indenture of return, signed by the freehold tenants of the said borough, had been tendered to the portreve of the said borough at the time of the election, but that he refused to accept the same; and that one of the persons who had signed and tendered the said indenture to the portreve was at the door;

The said person was called in and examined, and delivered the said indenture in, to the clerk of the House; and the same was read at the table.

And the clerk of the crown attending the House in his place, according to order, with the return for the said borough;

Ordered: "That the clerk of the crown do take off from the writ the indenture by which

Philip Cavendish, esq., is returned to serve for the said borough."

Ordered, " That the portreve of the said borough of Berealston do execute the indenture of return, signed by the freehold tenants of the said borough, which was tendered to him at the time of the election; and that, when the said indenture is so executed, the clerk of the crown do receive the same, and annex it to the writ directing the said election.

CORPORATION.

None.

RIGHT OF ELECTION

Is in those who have land in the borough, and pay three-pence acknowledgment to the lord. The whole number of houses, or rather cottages, for they are all of the meanest and most miserable description, does not exceed forty.

NUMBER OF VOTERS.—This depends entirely upon the will of the lord, who, by granting burgage-tenures, which are usually resigned, in this, and all other similar boroughs, to their legal owners, immediately after the election is concluded. The number therefore of voters may be said to be efficiently but one, although the burgage tenures have sometimes amounted to 100.

RETURNING OFFICER—the Portreve.

PROPRIETOR—Earl of Beverley.

POLITICAL CHARACTER.

This being a burgage-tenure borough, and the

property of the Earl of Beverley, to whom it was bequeathed by the will of his father, the late Duke of Northumberland, its representation depends upon the nomination of that nobleman.

The Marquis Wellesley was one of the members returned for this borough at the general election in 1784, in the time of the late Duke of Northumberland ; and his lordship vacating his seat in December, 1786, by being appointed a lord of the treasury, the Earl of Beverley, who had then succeeded his father in this estate, had taken offence at some conduct in the administration, and therefore refused the treasury-agent his re-election.

At the election for this borough, A. D. 1721, Eliot, a commissioner of excise, had taken upon himself to be the returning officer, contrary to law, which forbids any person belonging to the excise to meddle with elections. A motion made to address the king, was by this virtuous Parliament set aside, by moving the previous question.

TIVERTON.

TIVERTON, a borough, market-town and parish in the hundred of the same name, Devon, situated on the river Ex, near its junction with the Leman, $4\frac{1}{2}$ miles from Collumpton and 163 from London ; containing 1,221 houses and 6,505 inhabitants, viz. 3,001 males and 3,504 females, of whom 1,617 were returned employed in various trades, and manufactures, particularly serges, kerseys, druggets, and

diapers, for which it has long been noted. It has a stone-bridge, over both the river Ex and the Leman; before the erection of these bridges, it was called Twyford, both these rivers being fordable here. The markets are on Tuesday and Saturday, but the latter is very small. Its fairs are Tuesday fortnight after Whit-Sunday, and 10th October.

REPRESENTATIVE HISTORY.

This borough never sent members to Parliament until the year 1615, when it was so imprivileged by charter of James I., who incorporated it by the name of mayor, twelve principal burgesses, and twelve assistants, who compose the whole constituent body of this branch of the democracy of Great Britain.

The reason assigned by the above monarch for enfranchising this borough, in the preamble to the charter, is somewhat curious, and what, in our opinion, would have justified at least a suspension, if not a removal of that privilege, supposing the borough to have possessed it before. This preamble begins by reciting that Tiverton was an ancient town; and that it had lately *been burnt down*, thirty-five thousand pounds worth of property having been destroyed. The king, perhaps thinking it would never be built up again, deemed it a proper place to balance the influence of Dunwich, which had been swallowed by the sea, and Old Sarum, which had been totally destroyed.

PETITIONS, &c. Nov. 20, 1660. Ordered

the committee of privileges to examine into the miscarriage of a warrant for a new writ for electing a burgess for this borough.

Oct. 13, 1675. A petition of Sir Hugh Ackland.

No determination.

Dec. 1, 1710. On a report that Thomas Bore, Richard Mervin, and John Worth, esqrs., had an equal number of votes, it was

Resolved, "That the late election of burgesses to serve in this Parliament for this borough is a void election."

CORPORATION.

This consists of a mayor, twelve burgesses, twelve inferior assistants, a recorder, and a clerk of the peace. The charter of James I. empowered the mayor to be gaol-keeper, and ordered that the gaol-delivery should be before him and the recorder.

After this, Tiverton became a large populous place, and carried on a considerable trade. But, on the 5th of June, 1731, another terrible fire happened here, which destroyed 200 of the best houses in the place, and most of the manufactures. The loss was estimated at £150,000: on which the Parliament passed an act, the following year, for rebuilding the town, in which it was enjoined that the new-built houses should be covered with tiles or lead instead of thatch; that no trade, likely to occasion fires, should be exercised in the public streets, not any stacks of corn or straw erected

there : that fire-engines should be provided, and the streets and passages widened.

In 1723, the mayor of the borough of Tiverton having absented himself on the charter-day for electing his successor, no new mayor could be chosen. The year following, the crown was applied to for a new charter ; and the business was referred to Sir Philip Yorke and Sir Clement Wearg, then attorney and solicitor-general for their opinion. In their report they stated the case of Banbury ;* and, after observing that the decision there had not been contradicted by any subsequent opinion of the court where it was made, nor of any superior court, they say, “ That they apprehend it comes up to the case before them, and is “ a clear authority in law, that the corporation of “ Tiverton is at an end.” They therefore advised the king to grant a new charter.

To prevent the inconvenience attending the power which the presiding officer of corporations had of dissolving them, by being absent on the day appointed by their constitution for the election of magistrates, it was afterwards enacted by the stat. 11 Geo. I. c. 4. “ That, for the future, “ the corporation, in such cases, shall not be “ deemed or taken to be dissolved.” It was likewise provided, that the persons entitled to choose the magistrates shall proceed to make the election on the day immediately following the charter day, without the mayor or other presiding officer ; and

* See our account of Banbury.

that the person next in office shall hold the court, and be the presiding officer for that purpose.

RIGHT OF ELECTION.

The choice of representatives is vested in the Corporation only.

NUMBER OF VOTERS—24.

RETURNING OFFICER—the Mayor.

PATRON—Earl of Harrowby.

POLITICAL CHARACTER.

If the right of election in Tiverton was in the Household-ers, the number of voters would be twelve hundred : at present that right is possessed only by twenty-four individuals, and this select body are all under the influence of the Earl of Harrowby who nominates both members.

The late Sir John Duntz had the joint control of the corporation with his lordship, but since his decease, the noble Earl has taken them under his sole patronage.

DARTMOUTH, *alias* CLIFTON DARTMOUTH HARDNESS.

DARTMOUTH is a borough, market, and sea-port town in the hundred of Coleridge, Devon, 50 miles from Exeter, and $203\frac{1}{2}$ from London ; containing 460 houses and 3,412 inhabitants, of whom 508 were returned as being employed in trade. The town is about a mile long, with very irregular

streets one above the other, on the side of a craggy hill. The principal street is fronting the quay, and is chiefly occupied by merchants. The harbour is very capacious and safe, guarded by a castle and strong battery. A great number of vessels are employed here in the pilchard fishery; besides which it has a considerable export trade, and imports wine, oil, fruit, salt, &c. As the chief employment of the inhabitants is in commerce and shipping, no manufacture of importance is to be looked for at this place, though it is a considerable nursery for the British navy; the fishery alone employing near 3000 men, a certain number of whom the proprietors are obliged by law to select from landmen. The flesh market is held on Friday, and the fish market is plentifully supplied every day except Sunday. To the north of this town lies the port of TORBAY, the principal rendezvous of his Majesty's shipping.

REPRESENTATIVE HISTORY.

These are three towns which compose one borough, or three divisions of one borough, lying on the sea-coast in the south part of Devon. It returned burgesses to Parliament in the 26th of Edward the First, and ceased till the 24th of Edward the Third, who incorporated it, and it has since constantly returned members.

PETITIONS, &c. Feb. 18, 1672. A petition of Nathaniel Herne, esq., against the election of one Josiah Child, esq.

No decision.

May 30, 1685. A petition of Charles Boon, esq., touching the election for this borough.

No determination.

Oct. 25, 1689. A petition of Joseph Herne, esq., against the return of George Booth, esq., by means of the mayor of this town taking upon himself illegally to make new freemen after the date of the writ.

Nov. 28. Resolved: "That the said freemen were not duly and legally made."

"That George Booth, esq., is not duly elected, and that Joseph Herne, esq., is duly elected," which being read twice, was agreed to by the House: and Ordered,

"That Mr. Whitrow, late mayor of this borough be taken into the custody of the sergeant at arms of this House for his misdemeanors, touching the election for this borough."

The right of election, it is said in the report, appears to be in the Freemen.

Dec. 4. A petition of John Whitrow, late mayor of this borough, expressing his sense of the displeasure he has incurred from the House, and his sorrow for the same, by illegally making freemen after the date of the writ.

Ordered: "That he be discharged, on paying his own fees, and being severely reprov'd by the Speaker."

March 24, 1690. A petition of George Booth, and Arthur Baily, esqrs., against the return of Sir Joseph Herne, and Frederick Herne, esq.

No determination.

Dec. 12, 1698. A petition of John Whitrow, esq., junr., against the same return.

No determination.

Nov. 28, 1699. The same petition was renewed against Frederick Herne, esq. only.

Petition refused; the former one being against both members.

Jan. 9, 1700. A petition of John Davy, esq., high-sheriff of the county of Devon, complaining that pursuant to his instructions, he delivered his precept to the mayor, who proclaimed the day of election, but died before the day appointed, and that the burgesses and freemen did, notwithstanding proceed to the election, and made a double return of Nathaniel Herne, esq., by one indenture, and of Rowland Holt, esq. by another, and prayed the direction of the House, whether he ought to return both, or which of the said indentures.

Ordered: "That the sheriff be directed, according to his duty, to make return of his writ."

—— 18th. A petition of Nathaniel Herne, esq., against the return of Rowland Holt, esq.

A petition of all the magistrates, (except one) all the common council, and the greater number of free burgesses of this borough, against the arbitrary conduct of the mayor of this borough, by illegally pretending to swear in freemen, and various other acts of corruption.

No determination on these petitions.

—— 24. A petition of Rowland Holt, esq., against the return of Nathaniel Herne, esq.

No determination.

Feb. 12. A petition of all the magistrates, (except one) and all the common council of this borough, in behalf of themselves, and the major part of the free burgesses of the said borough, complaining of many undue practices in the election for this borough.

No determination.

Feb. 13, ——. A petition of Thomas Vernon, and William Ball, esqrs., against an undue return for this borough, by two persons, (Mr. Floud, and Mr. Bully) pretending to the office of mayor at one and the same time.

Resolved: "That Nathaniel Herne, and Frederick Herne, esqrs., are duly elected," which being read twice, was agreed to by the House.

March 30, 1715. A petition of Nathaniel Herne, esq., against the return of John Fownes, esq.

Petition withdrawn.

Parl. 16. John Henry Southcote, esq., petitioned: renewed the 2nd session; but he withdrew his petition April 26, 1785.

Parl. 17. John Seale, esq., petitioned: renewed the 2nd and 3rd sessions; he stated that the right of election was in the inhabitants of the said borough, of which the district of South-town formed a part. 20th of Feb. 1793. The chairman reported to the House, that "The right of election for the said borough of Dartmouth, *alias* " Clifton Dartmouth Hardness, is in the Freemen " of the said borough," that the sitting members were duly elected, and that the petition of John Seale, esq., so far as it applies to Edmund Bastard,

esq., is frivolous and vexatious; but so far as it applies to the Right Hon. Charles Villiers, it is not frivolous or vexatious.

CORPORATION.

This consists of a mayor, recorder, two bailiffs, twelve magistrates, and twelve common councilmen.

RIGHT OF ELECTION.

Nov. 28, 1689. In the Corporation and Freemen made by them.

NUMBER OF VOTERS—40.

RETURNING OFFICER—the Mayor.

PATRONS—the Treasury and Admiralty.

POLITICAL CHARACTER.

This place, like Plymouth and Tiverton in this county, furnishes another instance of a populous town having its elective rights assumed and exclusively exercised by a corporation composed of the select body, and a few freemen of their own making.

This select number are again circumscribed by the operation of Mr. Crew's bill. The governor, the collector, comptroller, and all the officers of the custom-house of Dartmouth, are taken from this immaculate body; and the remainder are mostly under the employment of government, as gunners, and other officers.

Dartmouth is termed a government borough. The treasury and admiralty having the nomination of the members, and the farce of electing might as

well be performed by the clerks in those offices, as at such a distance from London.

The representation of this borough, and the government of the castle, have been so long in the family of Arthur Howe Holdsworth, esq., as to appear to have become hereditary.

DORSETSHIRE.

DORSETSHIRE is a county of England, bounded on the north by Wiltshire and Somersetshire, on the south by the English Channel, on the west by Devonshire, and on the east by Hampshire; being about 50 miles long and 27 broad, and containing nearly 775,000 acres of land, of which quantity 250,000 acres are arable, and 430,000 acres pasturage. The county is divided into five grand divisions, viz. Blandford, Bridport, Dorchester, Shaston, and Sherborn; and these are again subdivided into numerous liberties and hundreds, some of them containing not more than two or three small villages; the whole consisting of nine boroughs, viz. Dorchester, Pool, Lyme, Bridport, Corfe Castle, Shaftesbury, Wareham, Weymouth, and Melcomb Regis; and 13 market-towns, viz. Abbotsbury, Beaminster, Bere Regis, Blandford, Berne Abbas, Evershot, Frampton, Milton, Sherborn, Stalbridge, Sturminster Newton,

Sturminster Marshall, and Wimborn Minster; the whole comprising 248 parishes, and 21,437 houses, inhabited by 115,319 persons, consisting of 53,667 males and 61,652 females, of whom 22,259 were returned as being employed in trade and manufacture, and 28,204 in agriculture. Its principal rivers are the Stour and Frome. From its mild climate and beautiful situation, this county has been termed the garden of England. The northern parts are generally level, formerly covered with wood, but now in a high state of cultivation. A ridge of lofty chalk-hills crosses the middle of the county, upon which, and on the downs towards the sea, innumerable flocks of sheep are fed; the whole number kept in the county being estimated at 800,000, and the annual export at 150,000. From the borders of Hampshire to the centre of the county, runs a heathy common; but its want of fertility is amply compensated by the rich vales on the south-western side. The products are corn, cattle, butter, sheep, wool, timber, flax, and hemp. The isle of Purbeck is famous for its stone quarries, some of the stone taking a polish nearly equal to marble, is used for chimney-pieces, hearths, &c., and the coarser kinds for paving. The isle of Portland produces most valuable free-stone, which has been used in building Whitehall, St. Paul's, Westminster and Blackfriars' bridges. In this county are several manufactures of baize and coarse blanketing; but, on the whole, the clothing trade has much diminished of late. The amount of assessment under the property tax in 1806 was £1,051,651. The amount of the poor's

rates, 1803, £78,357, being at the rate of 1s. 4½d. in the pound. Dorsetshire gives the title of duke to the Sackville family. It lies in the diocese of Bristol.

REPRESENTATIVE HISTORY.

This county was joined under the same sheriff Somerset, and has sent members to Parliament from the time of the first returns, in the reign of King Edward I.

PETITIONS, &c. May 21, 1677. A petition of Thomas Browne, esq., complaining of a double return, made by the high-sheriff for this county.

Resolved: "That such election, and the return thereon, are void: because the high-sheriff did not execute nor obey his writ; and because he left divers freeholders unpollled; and that he returned two persons when he should have returned but one; and signified his return to be the agreement of the parties, rather than his own judgment, according to right and law."

POLITICAL CHARACTER.

The nobility of this county are the Earl of Shaftesbury, Earl of Ilchester, Earl Digby, and Lord Rivers; but they do not possess any controlling influence; the gentlemen of the county being numerous and opulent; the principal of whom are, Mr. Portman, of Bryanston, Mr. Morton Pitt, of Kingston House, Mr. Bankes, of Kingston Hall, Mr. Brown, of Frampton, Mr. Sturt, of Crichell and Brownsea Castle, Mr. Earle Drax Grosvenor, of Charborough, Mr. Chaffen, Mr.

Grove, Mr. Horner, Mr. Weld of Lulworth Castle, Mr. Trinchard, &c., &c. The representation of this county is considered independent.

DORCHESTER.

DORCHESTER is a borough, market, and county town, in the hundred of Uggescombe, and division of Dorchester, Dorset, 15 miles from Blandford, and 120 from London. It stands on an elevation on the river Frome, and comprises three parishes; containing 344 houses and 2,402 inhabitants, being 1,078 males, and 1,324 females, of whom 729 were returned as being employed in trade and manufacture, principally of serge and broad-cloth, of which the latter was formerly much more considerable than at present. The town is built in the direction of the four cardinal points, and the buildings are good. In the neighbourhood are extensive meadows, and a down, on which vast flocks of sheep are fed, and the ewes in general are very prolific, a circumstance imputed to the aromatic herbs with which the pasturage is interspersed. This place is noted for the excellence of its ale, which is sent to all parts of the kingdom. It has a good market on Wednesdays and Saturdays; and its fairs are on the 12th February, on Trinity Monday, on the 5th July, and August 30.

REPRESENTATIVE HISTORY.

This is the shire town of the county of Dorset. Willis,
It has sent members to Parliament ever since the v. ii. p. 415.

23rd of Edward I. Dr. Willis writes, it has been famous for sending to Parliament its townsmen, or *neighbouring* gentlemen, natives of this county, and as a specimen of its *virtue*, in the year 1604, we give a copy of a certificate upon an election, which deserves a place in this collection.

“ *To the Honourable assemblie of the high
“ cort of Parliament, the burgesses of the
“ boroughe of Dorchester, in the countie of
“ Dorss, sendeth greetinge.*

“ *Wee, the said burgesses, do hereby signify
“ unto you, that (upon strictness of the late pro-
“ clamation, as wee tooke it, for the electinge of
“ reciant burgesses) we made choice of Matthew
“ Chubbe, and John Spicer of our saide town, to
“ be burgesses of this parliament. Albeit, wee ac-
“ knowledge, that the said Matthew Chubbe, be-
“ fore, and at the saide election, did, both by hym
“ selfe, and others, intreat us that he might be spared
“ therein, offeringe to some other to be chosen five
“ pounds towards his charges to serve therein, and
“ alleaginge unto us then the disabilities of his
“ bodye to endure that service, and for that it ap-
“ peared in Ester terme laste, when the said Mat-
“ thew Chubbe, was to do his service in the saide
“ parliament, that hee could not performe it, nor
“ endure the same (by disabilitye of bodye) and,
“ doubtinge of disableness heereafter, to attende
“ the same service, dothe with us the saide bur-
“ gesses, become herebye humble petitioners unto
“ you, that hee may not seeme contemptuous, by
“ his absence, and that it will please you to dis-
“ misse the saide Chubbe, and to graunt a write*

“ *for the election of an-other, wherein wee can*
 “ *assure you heerebye, that we will retorne an-other*
 “ *sufficient persone, to attende the saide service.*
 “ *For the better testymonie heereof, wee have heere-*
 “ *unto sete the comon seale of the saide boroughe*
 “ *the XXIIIIth dai of june 1604.*”

But we do not find any memoir of proceeding thereon.

PETITIONS, &c. Dec. 21, 1689. A petition of Nathaniel Bond, esq., against the return of Thomas Chaffen, esq.

No report was ever made, the Parliament being soon after dissolved.

March 24, 1690. A petition of Thomas Trenchard, esq., against the undue return of Sir Robert Nappier.

No determination.

April 3. A petition of the inhabitants of this borough, touching the right of election for this borough.

No report appears.

Oct. 6. Thomas Trenchard, esq., presented his petition again.

Resolved: “That Thomas Trenchard, esq., is duly elected, and that Sir Robert Nappier is not duly elected.”

May 2, 1720. A petition of Abraham Janssen esq., against the return of Robert Brown, esq.

Resolved: “That Robert Brown, esq., is not duly elected.”

“That Abraham Janssen, esq., is duly elected for this borough.”

Oct. 19, 1722. A petition of William Chapple,

against the return of Edmund Morton Pleydell, esq., by means of using illegal practices.

A petition of George White, esq., against the return of Joseph Damer, esq.

Mr. White afterwards withdrew his petition.

Feb. 13, 1723. Resolved: "That William Chapple, esq., is duly elected."

Resolved, *nem. con.* Feb. 3, 1728: "That John Burridge, jun. esq., being mayor at the time of the election, and the proper officer, to whom the precept was directed, was not capable of being elected and returned to serve in Parliament for the same borough, and that Mr. Henley was duly elected."

Parl. 14. Anthony Chapman, esq., petitioned, but the committee found the sitting members duly elected, Feb. 23, 1775.

Parl. 17. The Hon. Cropley Ashley petitioned. On the 14th of April, 1791, the chairman reported: "That, pursuant to the last determination of the House, the right of election for the borough of Dorchester is in the Inhabitants, paying to church and poor in respect of their personal estates, and in such persons as pay to church and poor in respect of their real estates, within this borough, although not inhabitants or occupiers, and although their names do not appear upon the poor's rates: That the Hon. George Damer, the sitting member, is not duly elected: That the Hon. Cropley Ashley, the petitioner, is duly elected, and ought to have been returned: That neither the petition nor the opposition to it appear to be frivolous or vexatious."

CORPORATION.

This consists of a mayor, a recorder, two bailiffs, six aldermen, six capital burgesses, and twenty-four common-councilmen, whose duty it is to take care of the liberties and trade of the town. This charter was granted them by Charles I. in the 5th year of his reign.

In this town are kept the assizes as well as the quarter-sessions, and the knights of the shire are chosen at Dorchester.

RIGHT OF ELECTION.

March 18, 1720. Resolved, "That the right of electing burgesses to serve in Parliament for the borough of Dorchester, in the county of Dorset, is in the Inhabitants of the said borough paying to church and poor in respect of their personal estates, and in such persons as pay to church and poor, in respect of their real estates within the borough."

And Thomas Pitman, the mayor, was ordered into custody for illegal and arbitrary practices at the election.

May 17, 1720. Resolved, "That that part of the parish called the Holy Trinity, *alias* Dorchester Trinitatis, which was formerly the parish of Froome Whitfield, is no part of Dorchester in the county of Dorset."

Resolved, "That the tithing of Collington-row, within the parish of the Holy Trinity, *alias* Dorchester Trinitatis, is no part of the borough of Dorchester in the county of Dorset."

Feb. 22, 1775. Resolved, by the committee, "That, pursuant to the last determination, such persons as pay to church and poor in respect of their real estates within the said borough, though not inhabitants or occupiers, were entitled to vote."

The right of election here may be said to be pregnant with the greatest political inconveniences: for a person possessing the fee simple of a house and offices may, by letting his house to one, his garden to a second, his coach-house to a third, and his stable to a fourth, qualify as many voters, and that without regard to residence, or his name ever appearing upon the poor's rate. We should, therefore, be happy to be informed by what criterion the returning officer is to judge of what votes he should admit or refuse: or, indeed, upon the view here taken of the inconsistent principles and extraordinary determinations of the right of voting, which this scene of borough election affords, on what system or security of right can this country depend for a pure, free, equal, and adequate representation?

NUMBER OF VOTERS—200.

RETURNING OFFICER—the Mayor.

PATRON—the Earl of Shaftesbury, one member.

POLITICAL CHARACTER.

Almost one half of the houses and rateable property which give the right of voting in this borough belong to the Earl of Shaftesbury, who conveys them by freehold leases to his friends and dependants, for the purpose of making votes at the

election. One of these trust-holders claimed, and actually exercised, the right of voting for a piece of land on which a little shop anciently stood, but which now makes part of the public road, and is actually covered with pavement. Many other pieces of land, which are entirely waste, and covered with rubbish and weeds, have the right of suffrage annexed to them, and are considered as the most valuable voting property, because they *admit of no* inhabitant to give his suffrage for his personal effects, who might be able to *balance* the vote of the noble earl's feoffee in trust. By means of this property, the Earl of Shaftesbury elects one member, who is his representative in the House of Commons, because, as he is chosen by means of the earl's property, and by his direction, he cannot be said to be the representative of the people of Dorchester, or of any portion of the people of England.

The late Viscount Milton was a candidate at the general election in 1790, and had about two-thirds of the votes of the householders, in consequence of which he was returned by the mayor, but a committee of the House of Commons was of opinion that a decided majority of the inhabitants did not entitle him to a seat for Dorchester, the *parchment* votes of the Earl of Shaftesbury out-numbering those of the *bonâ fide* householders.

POOL.

POOL is a borough, sea-port, and market-town in the hundred of Cogdean, division of Shaston, Dorset, six miles from Wimborn, and 106 from London; containing 949 houses and 4,761 inhabitants, viz. 2,091 males and 2,670 females, of whom 608 were returned as being employed in trade, manufacture, and handicraft. It lies on the borders of a very narrow dreary heath, being a peninsula joined to the parish of Langford by a neck of land. The town is about three-quarters of a mile long and half a mile broad, and consists of three or four considerable streets, running nearly from north-east to south-west, besides a cross street parallel with the quay, with several intersecting lanes. The buildings are generally low, but of late years the town has received several handsome additions. The chief traffic is the Newfoundland trade and fishery, which proves an excellent nursery for the navy. The exports in provisions, nets, cordage, sail-cloth, and wearing apparel, for the consumption of the planters and servants, are very great. The imports are cod, salmon, oil, seal-skins, furs, &c. There are constantly employed about 230 sail of shipping belonging to this port, (with 1,500 hands,) of which about 140 are in the foreign trade, and the remainder coastwise. The harbour is reckoned the best and safest in the Channel, as the ground is every where soft, and water sufficient at spring tides for vessels of 16 feet draught to come up to

the quay. There is a long narrow neck of land which projects from the south-east part of the Isle of Purbeck, called South-haven Point, and another from the main land of Dorsetshire called North-haven Point. The distance between these is about a quarter of a mile, forming an entrance to the bay and harbour of Poole. The quays have been very much enlarged and improved at different times; the great quay is 192 feet long, at the east end of which stands the custom-house; the new quay is 34 feet long. On the Ham side of the harbour there are quays to careen ships, to throw out and take in ballast, with several slips for building. The communication across the harbour is by means of a large passage boat, which is hauled by a rope stretched from one side to the other; each passenger pays one halfpenny, and every family 4d. annually. The town sessions are held by the mayor and justices of the peace four times a year. When any criminal causes are to be tried, one of the judges of the circuit comes hither in his way to Dorchester, and holds the assizes, but civil causes are generally tried at Dorchester. Market on Thursday and Monday. Fairs, 1st May and 2d November.

REPRESENTATIVE HISTORY.

This borough was made a county town by Queen Elizabeth, having before sent burgesses to Parliament in the 36th and 42d of Edward III. It first sent to a council in his 14th year, but intermitted till the 33d of Henry VI., and has had several charters.

Carew,
p. 56.
Willis, vol.
ii. p. 410.
Prynne, p.
198.
4th Reg.
1087.

May 16, 1661. Sergeant Charleton reported upon the double return for this borough of John Moreton and William Constantine, esqrs., by one indenture, and John Moreton and Sir John Fitzjames by another.

Resolved: "That the said Sir John Fitzjames is duly elected a burgess of this borough."

Feb. 15, 1710. Upon a representation to the House, that in the management of her majesty's brewhouse, as well as in the contracts for furnishing the navy with beer, there have been many notorious embezzlements, and scandalous abuses,

Resolved: "That Thomas Ridge, esq., a member of this House, being guilty of great frauds and abuses, by having contracted to furnish 5,513 tuns of beer on his own account, and 2,704 tuns in partnership with Mr. Dixon, and having received bills for the whole, although he delivered but 3,213 tuns on the first, and 1,269 upon the latter: he, the said Thomas Ridge, esq., be, for the said frauds and abuses, expelled the House." And a new writ was ordered for electing a burgess in his room.

Parl. 13. Joseph Gulstone, esq. petitioned against Joshua Mauger, esq., and it was declared a void election in respect of Mr. Mauger.

This town, according to Leland, was a poor village, inhabited by fishermen, and a hamlet or member of the parish church of Canford; but within memory, it has increased in handsome buildings, and become a place of good trade. The increase of this town is owing to the decay of Wareham, which lost its harbour for want of

depth of water; in consequence of which the ships resorted to Poole, and thus have rendered it, by degrees, one of the most considerable ports in the west of England; and several of its merchants have represented it in Parliament. This town sent members so early as Edward III., and by a charter of Elizabeth, it was made a county of itself, with the privilege of a sheriff, keeping a court to determine all causes, both civil and criminal, with several other immunities; such as the right of trying malefactors in its own jurisdiction, by a commission from the crown, which saves the expense of entertaining the judges on the circuit.

CORPORATION.

This borough is governed by a mayor, a recorder, aldermen, a sheriff, a coroner, a town-clerk, and an indefinite number of burgesses. The mayor, who is admiral within the liberty, is chosen from among the burgesses: after he has passed the chair he is always an alderman; and, the first year of his mayoralty, he is senior bailiff, and a justice of the peace. From among the aldermen are annually chosen three justices; the mayor and recorder being of the quorum; and the election of the freemen or burgesses must be made by the mayor, four aldermen, and twenty-four burgesses.

RIGHT OF ELECTION.

Poole was possessed of the inestimable privilege of choosing its members by the *commonalty* or inhabitants at large, in consequence of the charter granted by Elizabeth. It enjoyed the privilege by

immemorial usage ; but, by the intrigues and contrivance of the select part of the corporation, consisting of about one hundred resident and non-resident burgesses, the right has been wrested from the inhabitants, and assumed exclusively by them. This right has, therefore, been disputed between the burgesses and inhabitants.

The question of right has been *four times* agitated in the House of Commons: first, upon the petition of Thomas Chaffin, esq., against Sir Nathaniel Napper, who had been returned by the mayor, aldermen, and burgesses ; which was determined the 9th of February, 1688-9, when the committee reported to the House by their chairman,

“ That the matter in question was, Whether the right of election be in the mayor and burgesses *only*, or in the mayor, burgesses, and commonalty, who pay scot and lot.”

And that thereupon the committee had agreed to two resolves.

1st. “ That it is the opinion of the committee, That the right of election of burgesses to serve in this present convention for the town and county of Poole, *is in the mayor, burgesses, and commonalty of the said town and county, who pay scot and lot.*”

2d. “ That it is the opinion of this committee, That Thomas Chaffin, esq., is duly elected a burgess to serve in this present convention for the town and county of Poole.”

A debate arising in the House thereupon ; the question being put, “ That this House do agree

with the committee, that Thomas Chaffin, esq., is duly elected to serve in this present convention for the town and county of Poole ;”

It passed in the negative.

Resolved, “ That Sir Nathaniel Napper, bart., *is duly elected* a burgess to serve in this present convention for the town and county of Poole.”

Here was a positive resolution of the committee, as to the right of the *commonalty* who pay scot and lot, negatived by the House ; and the exclusive right of the mayor and burgesses, only implied by the House seating Sir Nathaniel Napper. This was not uncommon, previous to the existence of the Grenville Act. The inconsistent and contradictory decisions of the House, which the statute of 2 George II. was enacted in vain to prevent, were the cause of establishing the present mode of trying controverted elections.

The inhabitants of Poole thought this new judicature a proper tribunal for vindicating and ascertaining their lost right ; and we accordingly find them embrace the first opportunity of appealing to its justice.

At the general election of 1774, Sir Eyre Coote and Joshua Mauger, esq., were returned to Parliament by the mayor and burgesses ; but the inhabitants having tendered their votes at the poll for the Right Hon. Charles James Fox and John Williams, esq., and these being rejected by the sheriff, they petitioned the House against the return of the former.

This petition came to be heard on the 24th of March, 1775, before a committee constituted un-

der the Grenville Act; when the counsel for the petitioners contended that, by the general rule of law, where there is no original charter, and no prescriptive usage to the contrary, the right of election *is in the inhabitant householders*; that this rule is recognized in a variety of cases, in Glanville's book, particularly in those of Cirencester, p. 107, and Pomfret, p. 142, and in Whitlock's Commentary, vol. i., p. 500. In the case of Cirencester, the entry in the Journals is in these words:

“That, where there is no custom nor charter
“for election, there, the inhabitants, householders,
“ought to make the election.”

That the ancient and proper sense of the word “burgenses,” or burgesses,” is “the inhabitants of a borough,” is proved by the following authorities:—Spelman's Glossary, title, “burgenses;” Whitlock's Commentary, vol. i., p. 500, vol. ii., p. 95; Madox's Firma Burgi, p. 2, No. 111. And that the House has so understood the word, both in ancient charters and in returns, appears from the case of Abingdon, 23 May, 1660, and that of Aldborough, in Yorkshire, 17 May, 1690.

From all the ancient charters granted to the corporation of Poole, it appears that, down to that of the 10th of Elizabeth, “burgenses” in those charters means “inhabitants.”

The ancient returns to Parliament from this town, until that period, are all in the name of the mayor and burgenses.

A complete body of evidence was adduced in support of this case, and to prove the claim of the

inhabitants, as part of the corporation, to turn out cattle, and to cut turf on Carford heath, in right of their original charter, granted by Longspee, Earl of Sarum.

A similar claim was made under a second charter, granted by William de Montacute, Earl of Salisbury, 10th of June, 1371; and a third, granted by Thomas de Montacute, Earl of Salisbury, dated the 8th of February, 1411, confirming the two preceding ones.

Also a royal grant of Henry VI., in the eleventh year of his reign, to the mayor and burgesses of Poole, that Poole shall be a free port, &c.

A fifth, dated the first of July, 31st of the same king, 1454, grants to the mayor, burgesses, and inhabitants, a weekly market, and two annual fairs; the last two by authority of Parliament.

A sixth, dated 20th January, 1460, 1 Edw. IV.

A seventh, dated 20th June, 3 Henry VIII.

An eighth, dated 12th Henry VIII.

A ninth, dated 4th September, 18 Henry VIII. 1527, Arthur Plantagenet, Viscount Lesley, vice-admiral; reciting that the deputy admiral and his commissary-general had inspected all the royal grants and privileges, and the former grants of old, and the grant of William de Montacute, to the *mayor, brethren, bailiffs, burgesses, and inhabitants*, and also the late confirmation of Henry VIII. by which they are excepted from the jurisdiction of the admiral of England.

The returns had also been made by the commonalty upon various occasions, previous to the charter of Elizabeth: That the town-arms and

common seal belonged to the inhabitants, and that therefore every instrument sealed with the common seal is the instrument and act of the inhabitants, and prove that the right of election, which by the common law was in the inhabitants, householders, was, in fact, enjoyed and exercised by them.

The twelfth charter of the borough, which was granted the 23d of June, 1568, the 10th of Elizabeth, and which is the charter under which the corporation now act, was produced, and seems to be decisive as to the right of the inhabitants.

“ It recites the charter of 3 Henry VIII. and
“ those therein recited, and ratifies and confirms
“ the immunities granted by them to the mayor,
“ bailiffs, burgesses, and inhabitants, as the said
“ mayor, bailiffs, *burgesses*, and *inhabitants*, from
“ the time of making the said charters, were ac-
“ customed to hold and enjoy them. It recites,
“ that the mayor, bailiffs, burgesses, and inhabit-
“ ants, time out of mind, had enjoyed the said pri-
“ vileges, &c., and others, as well by prescription,
“ as by reason of the aforesaid grants, but that the
“ said mayor, bailiffs, *burgesses* and *inhabitants*,
“ had not enjoyed them for many years past, to the
“ great detriment of the said town, by which it
“ was threatened with ruin, and the good govern-
“ ment of the same was almost extinct.

“ That thereupon the *burgesses* and *inhabitants*
“ of Poole had petitioned the queen, that she
“ would make, restore, and create the said bur-
“ gesses and inhabitants into another body cor-
“ porate and politic.

“ That she therefore, &c. (hoping that, if the

“ inhabitants of the town aforesaid, and their suc-
 “ cessors, should enjoy, by her grant, greater
 “ honours, liberties, and privileges, they will think
 “ themselves bound, &c.) grants that the said
 “ town of Poole shall be, for ever after, a free town
 “ of itself, and be incorporated; to consist of one
 “ mayor, two bailiffs, burgesses, and commonalty
 “ (in the original, *communitas*); and that they the
 “ said mayor, bailiffs, burgesses, and commonalty,
 “ be one body politic, by the name of the mayor,
 “ bailiffs, burgesses, and commonalty of the town
 “ of Poole, &c.

“ That the burgesses of the town aforesaid may
 “ elect every year (on a day fixed by the charter)
 “ a fit and discreet burgess to be mayor, and two
 “ other burgesses of the said town, to be bailiffs,
 “ &c.

“ That the said mayor, bailiffs, burgesses, and
 “ *commonalty*, and their successors, and the inha-
 “ bitants and residents within the said town, be in
 “ no sort liable to be bound by any precepts of the
 “ stewards, marshal, or clerk of the market of the
 “ household.

“ She grants a staple to the said mayor, bailiffs,
 “ and *commonalty*, and their heirs and successors;
 “ and that the said burgesses may choose out of
 “ themselves, annually, a mayor, and two con-
 “ stables of the staple.

“ That the said mayor, bailiffs, burgesses, and
 “ *commonalty*, and their heirs and successors,
 “ may annually elect and constitute (on a day
 “ fixed), out of the inhabitants of the town and

“ suburbs thereof, or out of others, all manner of
“ brokers, &c.

“ She then grants to the said mayor, bailiffs,
“ burgesses, and *commonalty*, and their successors,
“ that the town aforesaid, with the suburbs,
“ places, and precincts aforesaid, be, for ever after-
“ wards, one entire *county*, incorporated in deed
“ and name, and distinct, and altogether separate
“ from the county of Dorset, by the name of the
“ town of Poole.

“ That the said mayor, bailiffs, burgesses, and
“ *commonalty*, shall have in the said town, one
“ sheriff; the burgesses of the said town, and their
“ successors, in every year (on a day fixed) to elect
“ one discreet person out of their fellow-burgesses
“ (*com. burgenses*, in the original), for the sheriff
“ of the said town.

“ She grants to the mayor, bailiffs, burgesses,
“ and *commonalty*, a weekly court to be held in
“ the guildhall, before the mayor and senior bailiff.

“ To the mayor, bailiffs, burgesses, and *com-
“ monalty*, that the mayor for the time being, and
“ one skilled in the law, and also four burgesses
“ to be chosen annually out of the discreet bur-
“ gesses (on a day fixed) shall be keepers (*i. e.* jus-
“ tices) of the peace.

“ To the mayor, bailiffs, burgesses, and *com-
“ monalty*, view of frank-pledge, &c.

“ To the mayor, bailiffs, burgesses, and *com-
“ monalty*, and their successors, that none of them,
“ nor *any inhabitant* or resident within the town,
“ &c. shall be impanelled against his will, on

“ any assize, jury, or inquisition, &c., without the
“ town of Poole.

“ That the inhabitants, burgesses, and *com-*
“ *monalty*, of the town of Poole, may have their
“ guild, and all their liberties, jurisdictions, &c.,
“ by land and by sea, in the same manner with the
“ mayor, bailiffs, and burgesses of the town of
“ Southampton, and all other liberties, &c., which
“ the mayor, bailiffs, *burgesses* and *inhabitants*,
“ heretofore had or used to have.

“ That the said mayor, bailiffs, burgesses, and
“ *commonalty*, shall have the return of all writs
“ within the town.

“ That the said mayor, bailiffs, burgesses, and
“ *commonalty*, shall create out of themselves, co-
“ roners, &c.

“ That none of the said mayor, bailiffs, bur-
“ gesses, and *commonalty*, inhabiting within the
“ said town, shall be impleaded without the said
“ town, except for such trespasses as shall be done
“ against the queen and her heirs.”

The thirteenth charter, bearing date the 24th of November, 19 Charles II., contains a grant of all former privileges, and recites that the town of Poole had been of old incorporated by the name of mayor, bailiffs, burgesses, and commonalty, and that the burgesses and *inhabitants* thereof, as well by that name *as by other names*, have used and enjoyed various privileges, &c.

That commonalty in these charters meant inhabitants, is clear, because they were granted to, and at the request of, the inhabitants; because it confirms all former grants to the inhabitants; and

because the commonalty are, throughout, distinguished from the burgesses.

In the profligate reign of Charles II., this town, in common with the city of London, and most other corporations, came under the garbling of a *quo warranto* information, and their franchises were seized into the hands of the crown. This information was issued against the mayor, bailiffs, burgesses, and *inhabitants*.

The 30th of Charles II. the *burgesses* and *inhabitants* presented an address and submission to the king, praying that they might be restored.

The fourteenth charter, 14th of James II., is a charter of release and restoration: it recites the good services of the burgesses and *inhabitants*, the judgments obtained against them; and it restores and grants to the same burgesses and *inhabitants* all the liberties, &c. which they had, or by right ought to have.

These charters demonstrate that the *inhabitants* were part of the corporation, and that *commonalty* and *inhabitants* were terms indiscriminately used, as descriptive of the same persons.

By the records of the corporation, which go no further back than the 10th of Elizabeth, and the various entries from that time to the year 1699, the *inhabitants* or *commonalty* were always mentioned as part of the corporation.

The corporation petitioned the House of Commons so late as the year 1758, in the name of the mayor, bailiffs, burgesses, and commonalty.

Deeds of mortgages between the corporation and other parties, dated so late as 1756, were produced,

in which the *commonalty* were mentioned as part of the corporation.

Thomas Shepherd, an inhabitant, of the age of ninety-eight, remembered Mr. Ashley to have been chosen member for Poole by the *commonalty*, and he voted as an inhabitant in the year 1695.

The returns of members were made by the mayor, bailiffs, burgesses, and commonalty, until the year 1695.

To the above proofs the counsel for the sitting members only opposed *an usage of eighty years*, proved by parole evidence in favour of the exclusive right of the *burgesses*.

The committee determined, that the sitting members were *duly elected*.

Mr. Douglas, in his notes upon the above decision, observes, that a contrary determination took place upon similar evidence in the case of Colchester, 28th of March, 1628.

The like in the case of Boston, 8th of May, 1688.

These cases exactly show, that *no usage*, within the time of memory, ought to narrow the right of election.

The case of Bridport is similar; for, on the 12th of April, 1628, the explanation of the word "*commonalty*" by the House, was the same as that for which the inhabitants of Poole contended.

Case of Warwick, 13th of May, 1628, the question was, Whether the election was in the mayor and common-council, or in the commonalty. Upon the question, it was resolved to be in the

commonalty ; and the inhabitants, householders, have enjoyed it ever since in consequence.

It is curious to remark, that Mr. Mauger, who obtained his seat by the above decision in favour of the burgesses of Poole against the inhabitants, was so far convinced of the justice of the inhabitants' claim, that he became a candidate for their suffrages at the ensuing general election in 1780 against the burgesses, and actually petitioned the house for the re-establishment of that right, of which he had been the cause of depriving them the preceding Parliament.

The petition of Mr. Mauger was heard before a committee of the House of Commons, upon the very same ground he had opposed it in the former Parliament ; when the decision was, agreeably to the above, in favour of Joseph Gulstone, esq., and William Morton Pitt, esq., who were elected by the burgesses.

At the general election in 1790, the inhabitants made another attempt to recover their lost rights, by tendering their votes for Lord Daer, son to the Earl of Selkirk, and the late Lord Haddo, son to the Earl of Aberdeen. There were also, at the same time, four other candidates on the right of the burgesses, viz. Benjamin Lister, esq., a merchant of Poole ; the Hon. Charles Stuart, youngest son to the Earl of Bute ; Michael Angelo Taylor, esq., and Captain Kingsmill, of the navy. The election was conducted with much eagerness on all sides : the burgesses were equally divided, until Lord Hood, whom Mr. Taylor publicly accused of a breach of promise to him, ar-

rived and gave the casting-vote for Mr. Stuart ; the numbers upon the burgesses' poll, at the close of the election being, for

Benjamin Lister, esq. 50

The Hon. Charles Stuart 49

M. A. Taylor, esq. 48

Robert Kingsmill, esq. 45

The numbers of Mr. Stuart and Mr. Taylor would have been finally equal ; but one of the burgesses in the interest of the latter was arrested for debt, as he was going up the steps of the town-hall, to give his vote. Bail was offered, and even payment of the debt ; but the sheriff and his deputy were too much engaged upon the election, to be interrupted by so trifling a concern as the *liberty of a British subject* ; and the elector was suffered to remain in the custody of an officer, until the poll was closed.

Lord Daer and Lord Haddo being candidates on the right of the commonalty, the inhabitants tendering their votes for those noblemen, were rejected by the sheriff. Two petitions were accordingly presented to the House of Commons, at the meeting of Parliament in 1790, against the return of Lister and Stuart ; one by Lord Daer and Lord Haddo, in support of the claim of the commonalty ; and another by Michael Angelo Taylor, esq., and Robert Kingsmill, esq., on the claim of the minor part of the burgesses, against the majority.

These petitions were heard the same session ; when it was agreed by all the parties, that the petition of Lord Daer and Lord Haddo should be determined first ; for, if the committee should be of

opinion that the *right* was in the inhabitants, the other four candidates were so inferior in point of numbers, that they intended to relinquish their respective claims.

The committee accordingly began with the petition of Lord Daer and Lord Haddo; when nearly the same case was opened, as we have reported upon the petition of the Right Hon. Charles James Fox and John Williams, esq., in 1775, and which had been repeated on similar grounds by Joshua Mauger, esq., in 1781. The committee confirmed the determinations of the preceding ones, by deciding, that Lord Daer and Lord Haddo were *not duly elected*, and resolved upon a special report to the House, "That the right of election in the town and county of Poole, is in the Mayor, Bailiffs, and Burgesses only."

This petition being disposed of, a compromise took place between the contending parties, on the poll of the burgesses. The vote of the burgess who had been arrested and detained in custody during the election, was added to the poll of Mr. Taylor, and another struck off from that of Mr. Stuart. The numbers then were, for

Lister49

Taylor49

Stuart48

Kingsmill46

The committee accordingly reported to the House, "That Benjamin Lister, esq., and Michael Angelo Taylor, esq., *were duly elected*."

The success of Mr. Lister was, however, rendered abortive. The opposite parties had all dis-

covered that he had been *a contractor* within the year preceding his election ; and that the taking his seat would be attended with the disagreeable consequence of his being liable to a penalty of five hundred pounds every time he should give his vote in the House of Commons.

This incapacity was to be removed only by Mr. Lister vacating his seat, and, as the twelve months since the surrender of his contract had now expired, to get re-elected.

The Chiltern Hundreds were accordingly given him, and a new writ was issued for another election ; when the inhabitants of Poole, with that fervour and love of liberty which nature has implanted in the human mind, and which, although suppressed by temporary miscarriages and inconveniences, omits no opportunity of asserting its own dignity, recurred to their original claim of right, and with a zeal and firmness which the writer, who was present at the moment, will never recollect but with a glow of admiration, again bestowed the noblest gift of freemen—their unbiassed suffrages, on Lord Daer !

The statute of the 28th of George III., chap. 52, allowing them one more chance of recovering their rights, and that a final one, by an appeal against the last decision within twelve calendar months, a petition of appeal was accordingly presented by Lord Daer, in 1791, against the re-election of Benjamin Lister, esq., and another by the inhabitants against the last determination on the elective right, when the committee, for the fourth time,

resolved: "That the right of election was in the Mayor, Bailiffs, and Burgesses only."

In the cases of Abingdon, Southampton, and others, the word "commonalty" has been determined to mean all the inhabitants; at this place to mean the corporation only!!!

In the Seaford case, the word "populace" extended to all the inhabitants paying scot and lot. In the case of Truro, the same word meant only the corporation, consisting of twenty-five individuals. Upon what principle of justice these contradictions are to be reconciled, we do not presume to be informed.

In the Saltash cases, the right of election has been four times determined to be in the corporation, and three times to be in the burgage-tenures, since the passing of the Grenville act, in the 10th of the present reign.

In the Helstone case, the committee resolved, in 1775: "That the right of election was in the corporation acting under the old charter, in 1791." Another committee determined the right to be in the corporation acting under the new charter.

Since the year 1713, the contradictory resolutions respecting Weymouth and Melcomb Regis will be found in the representative history of those places.

In the cases of Colchester, Boston, Bridport, Pomfret, and Warwick, the determinations were different from those of Poole; and the doctrine of *eighty years usage* is neither sanctioned by act of Parliament, nor considered as the common-

law of committees, and has been followed only in one solitary instance, that of Lyme Regis.

NUMBER OF VOTERS—100.

POLITICAL CHARACTER.

The corporation of Poole are divided into two parties, so nearly equal in number, that a single vote frequently decides the election. A thousand pounds is said to have been given for a vote on such occasions. Mr. Lister, one of the present members, is at the head of the opposition party; and Mr. Jeffery, a late member, but now consul-general at Portugal, is at the head of the ministerial party. The aldermen who acquire that situation by serving the office of mayor, are mostly of the ministerial party; and as a bye-law is still in force, allowing them to nominate two of their own body to the burgesses, one of whom the latter is bound to choose for mayor, there is little chance, unless that bye-law is deemed illegal, of which there is little doubt, that they will continue to sustain their superiority.

LYME REGIS.

LYME REGIS is a sea port, borough, and market town in the hundred of Whitchurch, division of Bridport, Dorset, 23 miles from Dorchester, 28 from Exeter, and 143 from London; containing 265 houses, and 1,451 inhabitants, of whom 534 were returned employed in various trades. Its commodious harbour has been artificially con-

structed. The materials of its rude pier consist of vast stones weighed out of the sea, arranged in such a manner as to break the violence of the tide, which has made great encroachments, the cliffs being composed of a kind of marl and blue clay incorporated with lime. The market is on Friday. Fairs, February 2, and September 21.

REPRESENTATIVE HISTORY.

This is a very ancient borough, in the county of Dorset, being so made by King Edward the First, and has returned members to Parliament since the 23rd of that reign.

Nov. 5, 1605. A report being made by Sir George Somers, one of the burgesses for this borough, of the sickness by the gout of John Hassard, esq., the other burgess, and desiring to have him dismissed.

Resolved: "That he shall still serve, and that he shall not be removed.

Feb. 9, 1609. A petition from this borough touching their burgesses was offered by Sir John Jefferys.

Sir George Moor reported from the committee—Hassard, 69—incurable—bed-rid—and a new writ was ordered in his room.

May 21, 1689. A report upon the petition of Sir William Drake, knight and bart., against John Burridge, esq., touching the election of this borough.

Resolved: "That John Burridge, esq., is not duly elected." Also,

Resolved: "That Sir William Drake is duly

elected a burgess for this borough :'' but the first resolution being read twice was disagreed to by the House.

Jan. 6, 1701. A petition of Richard Hallet, esq., against the return of John Burrridge, esq., by reason of the mayor not suffering the legal voters to poll.

No determination.

Nov. 26, 1708. A petition of Henry Henley, esq., and also one of several capital burgesses, freemen, and freeholders, of this borough, against the return of Thomas Freke and John Burrridge, esqrs.

No determination.

Oct. 18, 1722. A petition of William Smith, esq., against the return of John Burrridge, esq. —Petition withdrawn.

Also a petition of Thomas Parish, merchant of London, against the same return.

March 2, 1723. Petition of Thomas Parish withdrawn.

Resolved, *nem. con.*, Feb. 3, 1728 : " That John Burrridge, jun., esq., being mayor at the time of the election, and the proper officer to whom the precept was directed, was not capable of being elected and returned to serve in Parliament for the same borough, and Mr. Henley duly elected.

Parl. 15. The committee found that none of the members returned in the double return were duly elected, and that the election was void.
Dec. 2, 1780.

This town was, at the Conquest, part of the demesne lands of the convent of Sherborne, and

probably so continued until the 12th of Edward the First, when it was annexed to the crown, and thus derives the title of Lyme Regis, or King's Lyme. Soon after this, the king made it a free borough, and granted it every privilege that is enjoyed even by the city of London, with a court of Hustings, and freedom from all tolls or lastage. These privileges were confirmed by the succeeding princes, and Edward the Second also granted to the burgesses the town in fee-farm, upon paying 33 marks every year into the exchequer. In the reigns of Henry IV. and V. the French attacked, plundered, and burnt it; upon which, the king forgave the inhabitants all their arrears, and reduced their fee-farm rent from £21, to £5, which sum was, in consequence of their misfortunes, again lessened to £3. 6s. 8d., which they still continue to pay.

In Camden's time (James I.) it was a small inconsiderable place, inhabited by fishermen; but it has since greatly improved, and grown a considerable sea-port. The harbour is esteemed as one of the finest in the English Channel.

CORPORATION.

The last charter was granted by William III., by which it is governed by a mayor, who is a justice of peace during his mayoralty and the year following; and in the third year he is both justice and coroner. Here also are a recorder, fifteen capital burgesses, two of whom are justices, a town-clerk, and other officers.

RIGHT OF ELECTION.

There having been a contest, time immemorial, between the corporation and the freeholders of the borough, for the right of election; on the 21st of May, 1689, it was determined to be in the corporation and freeholders. On the 28th of February, 1727, it was resolved to be in the corporation. The same question has been twice agitated before committees of the house of commons, constituted under the Grenville Act. In the first of these, Lionel Darell, esq., and Henry Harford, esq., were petitioners; when, upon hearing, it was determined by a committee of the House of Commons, that the right was in the corporation only; and that the Hon. Henry Fane, and David Robert Mitchell, esq., the sitting members, were duly elected. The right of the freeholders was again contested at a general election, 1784, and tried before a second committee on the 15th of February, 1785, when Robert Wood, esq., and John Cator, esq., were petitioners, and the Hon. Henry Fane, and the Hon. T. Fane, were the sitting members.

The claims of each party were the same in both petitions; each contending for the right of election in the freeholders of the borough as well as the corporators; superadding to both the qualification of residents: but in both these cases, as in the remarkable one of Poole, the committees determined, that an usage of eighty years superseded the ancient right, which was proved to have been in the freeholders, the same as was proved to be in the commonalty of Poole. The capital burgesses

make a certain number of free-men, resident or non-resident, who elect the members of parliament.

NUMBER OF VOTERS—31.

RETURNING OFFICER—the Mayor.

PATRON—Earl of Westmorland.

POLITICAL CHARACTER.

This may be deemed one of those many dependent boroughs which are wholly under the control of an individual; the Earl of Westmorland and his ancestors having had the entire influence in the corporation for the last century.

WEYMOUTH *and* MELCOMBE REGIS.

WEYMOUTH is a sea-port, borough, and market town, situated in the parish of Wike Regis, Dorsetshire, divided from Melcombe Regis by the river Wye, 8 miles from Dorchester, and 131 from London; containing 236 houses, and 1,267 inhabitants. Weymouth formerly carried on a considerable trade, and was the principal port of the county, but it is now rivalled by Poole. Being sheltered by the surrounding hills, possessing a pure air, a fine beach of sand, and a calm bay, formed by a semi-circle of more than two miles, it is well adapted as a bathing place. The market days are on Tuesday and Friday.

MELCOMBE REGIS is a borough and market town in the parish of Radipole, hundred of Colliford Tree, division of Dorchester, Dorset, 127

miles from London, situated at the mouth of the river Wey, which separates it from Weymouth, over which river there is a wooden bridge of seventeen arches. It contains 423 houses, and 2,350 inhabitants, viz. 962 males, and 1,388 females, of whom 423 were returned employed in various trades. It is united to Weymouth as a sea-port, corporation, and market town.

REPRESENTATIVE HISTORY.

These are situate in Dorsetshire, and were formerly two boroughs, but in Queen Elizabeth's time, by Act of Parliament, they were united, which was confirmed in the 15th of James I. ^{Carew, 238.}

Nov. 8, 1597. Mr. Bosgrave, attorney for the duchy, reported: "That the committee had seen the return of the sheriff of the county of Dorset, for the electing into Parliament the burgesses of Weymouth and Melcombe Regis, formerly two distinct boroughs, whereby four burgesses were duly elected and returned, but that the bailiffs had besides elected two others, who were not duly returned."

Ordered: "That the four members so duly elected and returned should continue accordingly."

May 5, 1660. Mr. Turner reported, touching the double return for the borough of Melcombe Regis.

Ordered: "That Peter Middleton, esq., being duly elected, do sit."

Oct. 15, 1667. A petition of Michael Harvey, esq.

No determination.

Nov. 20. Serjeant Charlton reported, "That the committee were of opinion that Sir John Coventry is duly elected, to which the house agreed.

May 25, 1685. A petition of Michael Harvey, esq., touching the election for these boroughs.

Also a petition of the freeholders of these boroughs to the same effect.

No determination.

Jan. 4, 1697. Resolved: "That there being information given to this House against John Knight, esq., a member hereof, in relation to the false indorsement of exchequer bills, to which he has not given a satisfactory answer to this house; the said Mr. John Knight be committed prisoner to his majesty's Tower of London during the pleasure of this House:" and,

Ordered: "That the chief governor of the Tower do take care that no person be admitted to discourse with or bring letters to the said Mr. Knight, without order of this House:" and further,

Ordered: "That the said Mr. Knight have a copy of the said resolutions, and that he do give his answer thereto on Friday morning next."

Jan. 7. Ordered, upon Mr. Knight's request: "That his wife should have leave to resort to him in the Tower."

A letter was then read from Mr. Knight to the Speaker as follows:

"Honourable Sir,

"Being made a close prisoner in the Tower, by
 "your warrant of the 4th inst., and not having
 "the liberty of pen, ink, or paper, till last night,
 "about 10 o'clock, when my Lord Lucas, under-

“ standing by the votes that I was to say some-
“ thing in answer to Mr. Marriott’s charge, to-
“ morrow being Friday, thought it reasonable to
“ permit me the use of it ; I could not apply myself
“ till this morning to lay anything before the
“ House, which is since done : and I beg your
“ favour, that the inclosed papers may be com-
“ municated to them. I am, Sir,

“ Your most obedient humble servant,

“ *Jan.* 6, 1697-8. *JOHN KNIGHT.*”

Upon the representation of Mr. Speaker, that
the chief governor of the Tower had informed him
that Mr. Knight was very ill,

Ordered : “ That the said Mr. Knight’s doctor
and apothecary have leave to resort to him in the
Tower.

Feb. 1, 1697. Resolved : “ That the said
John Knight, esq., being guilty of false indorse-
ment of exchequer bills, be expelled from this
House.”

Dec. 1, 1710. A petition of John Ward and
Richard Hallet, esqrs., against the return of An-
thony Henley, Maurice Ashley, Captain Little-
ton, and William Betts, esqrs., by means of un-
due and illegal practices, on their own parts, and
the partiality of the mayor, who insultingly told
the petitioners “ he would shew them a game at
all fours !” and encouraged his officers to insult
the petitioner’s voters.

Resolved : “ That the petitioners were not duly
elected.”

“ That Henry Henley, esq., and the Hon.
Maurice Ashley, are duly elected.”

“ That the election for the said borough, of Mr. Littleton and Mr. Betts, is a void election :” and

Ordered: “ That Edward Tissard, mayor of the said borough, being guilty of several arbitrary and illegal practices, be taken into the custody of the sergeant at arms.

March 3, 1713. A petition of Sir Thomas Hardy, knight, William Hardy, John Ward, and Reginald Marriott, esqrs., against the return of Daniel Harvey, esq., Admiral Baker, Captain Littleton, and William Betts, esq., by means of bribery and corruption, and undue practices of John Friend, mayor of the said town.

Resolved: “ That James Littleton, esq., Sir Thomas Hardy, knight, William Hardy, and Reginald Marriott, esqrs., are duly elected, and that Daniel Harvey, John Baker, and William Betts, esqrs., are not duly elected.

April 28, 1713. Resolved: “ That no freeholders of this borough, made since the election in April, 1711, unless claiming by devise or descent, had any right of voting at the last election of members to serve for this borough.

May 3rd. Resolved: “ That all conveyances to split and divide the interest in any houses or lands in this borough, amongst several persons, in order to multiply votes are illegal and void.

June 3rd. Resolved: “ That those persons who had no right to vote at the election on Lady day, 1710, and not claiming by purchase for a valuable consideration or by will or descent since that time, had a right to vote in the last election.”

Resolved : " That divers scandalous and illegal practices appearing to have been lately carried on in this borough, to multiply votes at the last election ; and that all such persons whose votes were not admitted at the determination of the last controverted election for this borough, and who have not acquired a right by descent or devise since that time, had a right of voting in the last election of members for the said borough.

May 16, 1726. It appearing to the House by a proper record from the court of King's Bench, that John Ward, esq., a member of this House, that information had been exhibited against him, by the name of John Ward, of Hackney, in the county of Middlesex, esq., has, in the present Easter term, been convicted of the crime of forgery.

Resolved : " That the said John Ward, esq., be expelled from the House."

Parl. 8. John Olmius, esq., petitioner, against John Tucker, esq.

Parl. 8. Thomas Pearce, John Olmius, Richard Plumer, esqrs., and Colonel Cholmondely, were candidates upon the interest of Sir Robert Walpole. See a very particular account in the second report thereof, by the committee appointed to enquire into the conduct of Sir Robert Walpole, fo. 1472.

These boroughs were the property of the famous Bubb Doddington, who was afterwards created Lord Melcombe, in whose celebrated Diary, the history of these places form a complete account of the politics of the times, when Sir Robert Wal-

pole, Lord Wilmington, Mr. Henry Pelham, Duke of Newcastle, Duke of Devonshire, and the first Mr. Pitt, were ministers. These boroughs then became the property of Gabriel Steward, esq., lately deceased. Being in possession of these boroughs, he had the lucrative office of paymaster of the marines, which is £6000 per annum. This gentleman sold them to Sir William Pulteney, the late possessor, from whom they descended to his daughter, and afterwards to his nephew, Sir John Johnstone.

Melcombe sent members to Parliament in the reign of Edward III., which was before Weymouth had the privilege; and in the reign of Edward III. it was in so flourishing a state, that it was appointed a staple by act of parliament; but, on account of its quarrels with Weymouth, its privileges as a port were, in the reign of Henry VI., removed to Poole; they were, however, restored by act of parliament in the time of Elizabeth; and in the next reign they were confirmed, on condition that Melcombe and Weymouth should form but one corporation, and enjoy their privileges in common.

UNITED CORPORATIONS.

These consist of a mayor, a recorder, two bailiffs, several aldermen, the number of whom is uncertain; yet they send four members to Parliament, as if they were distinct corporations. In Melcombe there is a good market-place and town-hall, where the members of the corporation, residing in Weymouth, come to attend on public business.

RIGHT OF ELECTION.

There has been no resolution of the House as to the express right; but, upon the trial of a contested election in 1730, the counsel on both sides agreed to the following statement of the right being “in the mayor, aldermen, and capital burgesses inhabiting in the borough, and in persons seized of freeholds within the borough, and not receiving alms.”

NUMBER OF VOTERS.—The numbers have been as low as 200, and as high as 2000; but as they are now the property of an individual, their decision is entirely at his pleasure.

RETURNING OFFICER—the Mayor.

PROPRIETOR—Sir George Frederic Johnstone.

In the pension list published in the reign of Charles II. is inserted the following paragraph:

“*Weymouth*.—Sir Winsten Churchil, now one of the clerks of the green-cloth, proffered his own daughter to the Duke of York, and has got in boon £10,000: has published a print that the king may raise money without parliament.”

POLITICAL CHARACTER.

Weymouth and Melcombe Regis have been subject to continual contests and petitions from 1804 till the present day. A committee was appointed to try the merits of the petition of John Arbuthnot, esq., on the 10th of February, 1804, against the return of Sir James Pulteney, bart., Mr. Steward, Mr. Garthshore, and Mr. Adams. The case of the petitioner consisted almost entirely

in a charge of occasionality against the freeholders who voted for the sitting members. The counsel for the latter, remarking that there had never yet been any resolution as to the right of election in this borough adopted by the house, delivered in a statement of a particular right for which they meant to contend, in the following words. “That it is in the mayor, aldermen, bailiffs, and capital burgesses inhabiting within the borough; *and in persons seized of entire freeholds within the said borough; whether by descent, devise, or purchase, and not split or divided, unless split by descent or devise*; and not receiving alms.

The counsel for the petitioner delivered in a statement of the right in the terms of the agreement in 1730, as stated above.

The committee determined in favour of the statement delivered in by the petitioner.

In consequence of the above determination, two hundred freeholds were immediately split into two thousand. Freeholders of Weymouth were to be found in London, and in almost all the towns and villages to the land's-end in Cornwall, and in the islands of Jersey and Guernsey, whence many hundred were afterwards brought at an enormous expense to vote at every election for this borough. Some even voted for the thirteen hundredth part of a sixpenny freehold. Upon the death of Sir John Johnstone, father of the present infant proprietor, no less than twelve hundred freeholds, created for occasional voting, and made for the joint lives of Sir John Johnstone, and the freeholder, became extinct; and it cost more than ten thousand pounds

to renew the parchments for creating a new set of surreptitious voters, who are made for the joint lives of Mr. Ure, one of the trustees of the estate of Sir John Frederic Johnstone, and the nominal freeholder.

The reader may, perhaps, be surprised that so many persons can be found to answer such a time-serving and corrupt purpose ; but such is the state of political morality in this country, that we have seen numbers make interest amongst the attorneys employed for the purpose, to get their names inserted in the deeds, that they may partake of the drunkenness and entertainments that are going on upon these occasions.

William Williams, esq., and John Arbuthnot, esq., petitioned against the return of the late Sir James Pulteney and others, which was tried by a committee, who reported to the House, January 26, 1807, that the sitting members were duly elected, and that the petition was not frivolous or vexatious.

In 1813, the election of Sir John Murray, bart., the Right Hon. Thomas Wallace, John Broadhurst, esq., and Henry Trail, esq., was declared void, on proof of bribery and treating, as far as related to the last three members, Sir John Murray being at the time out of the kingdom ; and a new writ having been ordered, three other members were returned in their room the 15th of June, 1814.

In the hearing of the above petition it appeared, that the Duke of Cumberland, a peer of the realm,

had interfered in the election, in violation of the standing orders of the House, a motion to that effect was made in the House against his Royal Highness, but negatived by the previous question.

BRIDPORT.

BRIDPORT is a borough and market-town in the hundred of Beaminster, Dorset, situated between two branches of the river Brit, which join below the town, and fall into the sea. The town consists of three spacious streets ; some of the houses being built of stone and some of brick. The East, West, and South streets are in the form of a T, having several back lanes or passages. Its chief manufacture is in twine, sail-cloth, and hats : for the two former, it was so noted in the reign of Henry VIII. that it was enacted, that all the cordage, &c. for the navy, for a limited time, should be made here or within five miles, and no where else ; which act was confirmed for near sixty years. This town is a great thoroughfare to the west of England, which causes its principal trade. It has two market-days, on Wednesday and Saturday, which are well supplied with fresh meat, and its fairs are Old Lady-day, Holy Thursday, and Old Michaelmas-day. It is nine miles from Lyme Regis, six from Beaminster, and $134\frac{1}{2}$ from London ; containing 287 houses and 3,117 inhabitants, of whom 3,006 were returned as being employed in trade and manufacture.

REPRESENTATIVE HISTORY.

Whether this place was a borough at the time of the general survey does not appear, but it certainly was one in King Henry the Third's time, being made so in the 37th of his reign. It has returned members to Parliament since the 23d of Edward I.

PETITIONS, &c. Feb. 9, 1575. A motion was made that John Lord Russell, son and heir apparent of the Earl of Bedford, whether, being a peer's eldest son, he should sit for this borough; and it was ordered he should continue, according to a former precedent of the present earl.

N. B. The said earl was the first instance of a peer's eldest son sitting in the House of Commons. See Journal, 20th January, 3rd of Edward the Sixth.

Feb. 17, 1625. A petition concerning a corrupt election for this borough in the choice of Sir Lewis Dyve.

No determination.

April 10, 1628. A petition from Bridport about the election.

— 12. Resolved: "That the *commonalty* in general of the borough of Bridport, *in com.* Dorset, ought to have votes in the election of burgesses for Parliament."

Resolved: "That it is a void election in respect of the want of warning to the commonalty."

Feb. 12, 1677. Sir Thomas Meares reported from the Committee of Privileges, touching the election for this borough.

Resolved: "That George Bowerman, esq., is duly elected."

March 24, 1680. A petition of Sir Robert Henley, bart., touching the election for this borough.

No determination.

May 23, 1685. A petition of John Mitchell and Richard Broderick, esqrs., against the undue return of Hugh Hodges and Thomas Chaffe, esqrs.

No report appears.

March 24, 1689. A petition of the principal inhabitants and electors of this borough against the return of John Mitchell and Stephen Evans, esq.

A petition of John Manley, sen. esq., against the same return.

Resolved: "That the sitting members were duly elected."

Dec. 5, 1695. A petition of Major John Manley against the return of Nicholas Cary, esq.

No report appears.

March 31, 1715. A petition of Peter Walter, esq., against the return of John Strangeways, esq. and touching the right of election for this borough, representing that the bailiffs admitted disqualified votes, also several who received common alms, and rejected the votes of Quakers.

May 5. Resolved: "That the right of election is in all the Inhabitants, not receiving alms."

May 10. Resolved: "That John Strangeways, esq. is not duly elected."

"That Peter Walter, esq., is duly elected a burgess for this borough."

Oct. 18, 1722. A petition of William Bragg,

against the return of Sir Dewey Bulkely, knt. and Peter Walters, esq.

No determination.

1727. A petition of Alexander Pitfield and Solomon Ashley, esq.: the latter renewed his petition sessions 2 and 3, and afterwards withdrew it.

Parl. 9. Several electors, petitioners, withdrew their petitions.

Parl. 12. Robert Haldane and William Lee, esqrs., petitioned, but withdrew their petition.

Parl. 16. John Petit Andrews, esq. petitioned.

Parl. 18. Thomas Burgess, esq., petitioned against the return of Charles Sturt, esq., he not being possessed of estate sufficient to entitle him to a seat in Parliament; but the petitioner dying before the merits of the case were heard, the petition was discharged, Nov. 30, 1796.

CORPORATION.

It was incorporated by Henry VIII., and afterwards by Elizabeth. By a charter of James I., two bailiffs were to be chosen annually by the capital burgesses, who were to be fifteen in number, including the two bailiffs; and the corporation was empowered to choose a recorder and town-clerk, who, with the bailiffs in office, and the two preceding bailiffs, were to be justices of the peace. By this charter, the corporation were allowed to build a prison, to have a common seal, and to hold lands and tenements. The bailiffs were to have all fines, to have two sergeants to carry maces before them, with other privileges.

RIGHT OF ELECTION.

March 2, 1762. Resolved: "That the words *commonalty in general* extend only to Inhabitants paying scot and lot.

In the Poole case, the same words have four times been determined to extend to the *corporation only*.

NUMBER OF VOTERS—250.

RETURNING OFFICERS—the two Bailiffs.

PATRON.—Mr. Sturt of Crichell, and of Brownsea Castle, one member.

POLITICAL CHARACTER.

This borough, like all others, has a stated price, which the voters call their birth-right; several candidates left them at the last election, in consequence of their demanding payment beforehand. It is not completely under the control of a patron even as to one member, but the borough has for many years manifested such a partiality to the family of Mr. Sturt, that they generally return one of his nomination.

A vacancy happening in the year 1776, and Mr. Sturt not sending a candidate so soon as they too anxiously expected, some of the leading men of the borough waited on the Hon. Mr. Carey, who was then at Bridport upon a recruiting party, and persuaded him to become their candidate; but, lest he should not be qualified for the arduous task to which they meant to appoint him, they took him to the parson of the parish for examina-

tion. Having asked him a few questions in *Horace*, and finding he answered them as a scholar, he was declared duly qualified. He was then chosen for the borough, which he actually continued to represent until the year 1780.

SHAFTESBURY.

SHAFTESBURY, a borough and market-town consisting of three parishes, in the hundred of Redland, and division of Sherborn, Dorset, situated on a high hill, 10 miles from Blandford, and 101 from London; containing 502 houses and 2,159 inhabitants, viz. 863 males and 1,296 females, of whom 396 were chiefly employed in trades. The houses are tolerably well built. There is a neat town-hall, in which the quarter-sessions are held. Water is so scarce here, that the inhabitants used to be supplied with it from Melcomb, and the grant for fetching their water from that village was for an acknowledgment of a singular kind: on the Monday before Holy Thursday, the corporation went in procession, having a large quantity of plate carried before them, called a prize besom, (similar to the London garland on May-day,) dressed with flowers and peacocks' feathers. When the procession arrived at the manor-house, the whole was presented, together with a calf's head and a pair of gloves, to the lord or his steward, who received it with great formality, and distributed bread and beer to the populace, after which the plate was again delivered to the mayor, who

returned with it in procession to the town. In the reign of George I., a Mr. Benson, one of the members of Parliament, presented the town with engines, by means of which the water was raised 300 feet perpendicular, and conveyed to a large cistern in the middle of the town, from a distance of two miles; yet even this is laid aside, and there are several large reservoirs dug to preserve the rain water, and the poor get their living by supplying the town therefrom.

REPRESENTATIVE HISTORY.

Willis, vol.
iii, p. 21.

This borough has been represented in Parliament since the 23d of Edward I.

PETITIONS, &c. March 19, 1678. A petition of Sir Matthew Andrews, knt., complaining of an undue return of Mr. Whitacre.

No determination.

June 1, 1685. A petition of the burgesses and inhabitants of this borough.

Petition rejected.

June 2. A petition of Sir Matthew Andrews, knt., touching the election of this borough.

No determination.

Nov. 26, 1695. A petition of several inhabitants of this borough against the return of Edward Nicholas, esq., through the partiality of the mayor, whereby Sir Matthew Andrews was illegally omitted to be returned.

Feb. 29, 1696. Resolved: "That the right of electing members to serve in Parliament for the borough of Shaftesbury is *not* only in the mayor and burgesses of the said borough."

Secondly, Resolved: "That the right of electing members to serve in Parliament for the said borough of Shaftesbury, is *only in the inhabitants of the said borough paying scot and lot.*"

And further, Resolved: "That Sir Matthew Andrews is duly elected a burgess for this borough."

"That Edward Nicholas, esq. is duly elected a burgess for this borough:" which resolutions were agreed to by the House.

March 5, 1713. A petition of William Benson and John Still, esqrs., against the return of Edward Nicholas and Henry Whitaker, esqrs.

No determination.

March 26, 1715. A petition of William Benson and Henry Andrews, esqrs., against the return of Edward Nicholas and Samuel Rush, esqrs.

April 6. Resolved: "That Edward Nicholas, Samuel Rush, and Henry Andrews, esqrs., are not duly elected."

Resolved: "That William Benson, esq., is duly elected to serve in Parliament for this borough:" and, Ordered: "That the clerk of the crown do attend, to amend the said return, by erasing out the names of Edward Nicholas, and Samuel Rush, and Henry Andrews, esqrs., and inserting the name of William Benson, esq., as being the only burgess duly elected."

June 2. A petition of William Hearst, esq., against the return of Edward Nicholas, esq., by means of bribery and other indirect practices, and influencing the mayor of the said borough to admit many improper votes.

No determination.

March 5, 1716. A petition of William Hearst, esq., in substance the same as the former.

Resolved: "That Edward Nicholas, esq. is duly elected:" which was agreed to by the House.

Dec. 3, 1716. A petition of Sir Edward Des Boverie, bart., against the return of William Benson, esq., through the arbitrary conduct of the mayor of this borough.

A petition of several inhabitants, paying scot and lot, and electors of this borough, to the same effect.

Resolved: "That William Benson, esq., is not duly elected."

Resolved: "That Sir Edward Des Boverie is duly elected a burgess for this borough:" which resolutions being read twice, were agreed to by the House; and,

Ordered: "That he, Mr. David Soomer, the mayor of this borough, being guilty of arbitrary and illegal practices at the late election, be taken into the custody of the sergeant at arms."

Oct. 18, 1722. A petition of Charles Withus and Clement Wearg, esqrs., against the return of Sir Edward Des Boverie, bart., and Edward Nicholas, esq., by means of undue practices on the part of the mayor of the said borough, in admitting illegal, and refusing legal votes.

No determination.

A petition of William Bennet, and others, burgesses of this borough, against the same return, charging the said parties with bribery and corruption.

27th. The petition was withdrawn.

Jan. 14, 1723. A petition of Charles Withus, esq., in substance the same with the former.

No determination.

Parl. 8, Thomas Drury, esq., petitioned against Philip Bennet, esq., on his being re-elected.

Parl. 10. Fraser Honeywood, esq., petitioned against Mr. Beckford.

Parl. 14. Hans Winth. Mortimer, esq., petitioned. The committee not only found him duly elected, but reported such notorious instances of bribery appearing, that the House ordered Messrs. Sykes and Rumbold to be prosecuted.

Parl. 14. The Hon. Bartholomew Bouverie petitioned against Mr. Rous's election, but the committee found the sitting member duly elected. February, 1777.

Parl. 15. Sir George Collier, knt., and Hans Winthorpe Mortimer, esq. petitioned. The committee, after a long sitting, found that Sir Thomas Rumbold was not duly elected; that Sir Francis Sykes, bart., was duly elected; that Sir George Collier, knt., was not duly elected, and that Hans W. Mortimer, esq., was duly elected, and ought to have been returned. April 2, 1781.

Parl. 16. Sir Thomas Rumbold, bart., and William Richard Rumbold, esq. petitioned.

Parl. 17. Hans Winth. Mortimer and William Bryant, esqrs., petitioned, renewed the 2d and 3d sessions. The committee reported on the 11th of March, 1793, that the sitting members were duly elected, and that the petitions were not frivolous or vexatious.

Imp. Parl. 2. James Dashwood, esq., petitioned

against Mr. Hurst's election. Tried Feb. 8, and reported Feb. 10, 1803, by R. Baldwin, esq., chairman, R. Hurst, esq., is duly elected, and that the petition of James Dashwood, esq., is not frivolous or vexatious.

Imp. Parl. 3. ——— petitioned against the election of Sir Home Popham.

A CASE OF BRIBERY.

At the general election 1774, the late Sir Thomas Rumbold, bart., and the present Sir Francis Sykes, bart., being returned to represent this borough in Parliament, a petition was presented by Hans Winthorpe Mortimer, esq., complaining that the two sitting members, by themselves and their agents, had been guilty of many gross and notorious acts of bribery and corruption, and that the returning officer had admitted persons not duly qualified to vote for the sitting members, and had rejected the legal votes of others who had tendered them for the petitioner.

EVIDENCE WAS GIVEN,

That money, to the amount of several thousand pounds, had been given among the voters, in sums of twenty guineas a man; and the persons who were entrusted with the disbursement of this money, and who were *chiefly the magistrates of the town*, devised very singular and very absurd contrivances, in hopes of being thus able to conceal through what channel it was conveyed to the electors. A person concealed under a ludicrous and fantastical disguise, and called by the name of *Punch*, was

placed in a small apartment, and through a hole in the door delivered to the voters parcels, containing twenty guineas each: upon which they were conducted to another apartment in the same house, where they found another person called *Punch's secretary*, who required them to sign notes for the value received: these notes were made payable to an imaginary character, to whom was given the name of *Glenbucket*. Two of the witnesses swore that they had seen Punch through the hole in the door, and that they knew him to be Mr. Matthews, an alderman of the town, and, as the counsel for the petitioner had endeavoured to prove, an agent for the sitting members.

The counsel for the sitting members proposed to call Matthews himself to prove an *alibi*; but the committee resolved not to admit the evidence.

On the part of the petitioner, several witnesses were called to prove declarations of voters, who, at the poll, had taken the bribery-oath, that they had received *Punch's* money.

The whole of the evidence may be seen in the report, as it was printed for the use of the House.

On Tuesday the 25th of April, 1775, the committee, by their chairman, (Sir George Yonge, bart.,) informed the House that they had determined—

First, “That the two sitting members were not duly elected;”

Secondly, “That Hans Winthorpe Mortimer, esq., the petitioner, was duly elected, and ought to have been returned.

Sir George Yonge also reported from the committee, that they had come to several resolutions, which they had directed him to report to the House; and he accordingly read the report in his place, and afterwards delivered it in at the table, where the same was read. The resolutions of the committee were as follows:

“That it appears to this committee, that there was the most notorious bribery and corruption at the last election of members to serve in this present Parliament for the borough of Shaftesbury, in the county of Dorset.”

“That it is the opinion of this committee, that the said bribery and corruption require the most serious consideration of Parliament.”

The consideration of the report was adjourned until Thursday the 4th of May; and an order made, that the Speaker should not issue his warrant for a new writ for the vacant seat until after that day.

On the 4th of May, several parts of the minutes of the evidence taken before the committee being read, both of the resolutions of the committee were unanimously agreed to by the House; and it was ordered, that the Speaker should not issue his warrant for a new writ until the House had proceeded to take the minutes of the examination before the committee into further consideration. Then passed the two following resolutions.

Resolved, “That it appears to this House, that it is too late to proceed to take the said minutes into further consideration in this session of Parliament.”

Resolved, unanimously, "That it will be highly expedient that the House do proceed to take the same into consideration as early as possible in the next session of Parliament."

And it was ordered, "That it be an instruction to the gentlemen who are appointed to prepare and bring in a bill to explain and amend an act made in the 10th year of the reign of his present majesty, entitled, 'An act to enable the Speaker of the House of Commons to issue his warrants to make out new writs for the choice of members to serve in Parliament, in the room of such members as shall die during the recess of Parliament,'"

"That they do make provision in the said bill, that no writ be issued for the borough of Shaftesbury by virtue of the said act during the next recess of Parliament."

That very day leave had been given to bring in a bill, which was afterwards passed into an act, 15 Geo. III., c. 36; and it thereby provided,

"That if a vacancy happen for Shaftesbury during the recess, the Speaker shall not be enabled to issue a new writ; because that might tend to defeat those measures which it may be proper to take, in consequence of the said notorious bribery and corruption."

On the 2d of November following, which was the 8th day of the ensuing session, all the resolutions of the House relative to this cause were read. The House then came to a resolution that they would, on the 1st of February, 1776, take the minutes of the examination before the committee into consideration.

At the same time orders were made severally that thirteen persons therein named should attend the House on that day.

And the following order was made, "That Mr. Speaker do not issue his warrant for the making out a new writ before the 1st day of February, 1776."

The above order was afterwards discharged, for taking the same into consideration on the 14th of the same month.

And a similar order was made for the attendance of the witnesses on that day.

After a great debate, on the appointed day, the House proceeded to take into consideration the minutes of the examination. It was then

Resolved, *nemine contradicente*, "That it appears to this House, by the minutes of the select committee appointed to try the merits of the election of members to serve in Parliament for the borough of Shaftesbury, and which have been laid before this House, That there was the most notorious subornation of perjury practised, and the most corrupt and wilful perjury committed at the last election for members to serve in Parliament for the borough of Shaftesbury."

A motion was made; and the question being proposed, "That it appears to this House, from the said minutes, that Francis Sykes, esq., was a principal promoter and suborner of the said corrupt and wilful perjury;"

A motion was made; and the question being put, "That the further consideration of the said

minutes be adjourned until this day fortnight, the 28th day of this instant February."

It passed in the negative.

Resolved, "That it appears to this House, from the said minutes, that Francis Sykes, esq., was a principal promoter and suborner of the said corrupt and wilful perjury."

Resolved, "That it appears to this House, from the said minutes, that Thomas Rumbold, esq., was a principal promoter and suborner of the said corrupt and wilful perjury."

The same resolutions passed severally against John Good, William Bennet, William Armstrong, Matthew Merrefield, William Pope, and Thomas Hannam.

Ordered, "That the attorney-general do forthwith prosecute the said Francis Sykes, Thomas Rumbold, John Good, William Bennet, William Armstrong, Matthew Merrefield, William Pope, and Thomas Hannam, for the said offence."

Ordered, "That leave be given to bring in a bill to disfranchise and incapacitate certain persons, therein to be mentioned, from voting in elections of members to serve in Parliament, and for preventing bribery and corruption in the election of members to serve in Parliament for the borough of Shaftesbury, in the county of Dorset; and that Sir George Yonge, Mr. Hungerford, Mr. W. Drake, jun., Mr. Dashwood, Mr. Annesley, Sir George Robinson, Mr. Geo. V. Vernon, Mr. Abel Smith, Mr. Asheton Curzon, Mr. Sutton, Mr. Holt, Sir Geo. Duntze, Sir Richard Worsley, Lord Guernsey, Mr. Geo. Clive, Mr. Dunning,

and Mr. Sergeant Adair, do prepare and bring in the same.”*

Feb. 21, 1776. Sir George Yonge presented a bill of incapacitation, agreeably to the order of the 14th, which was received, read, and ordered to be read a second time on the 4th of March: and in the mean time it was ordered to be printed, and copies thereof, and of the order for the second reading, to be served on the parties named in it, leaving such copies at the last place of their abode to be deemed a good service.

Feb. 28, 1776. A petition of Thomas Rumbold, esq., was presented to the House, pleading his innocence, and praying that the House would grant him such relief as they should think meet.

A motion was then made, “That the order to the attorney-general for prosecuting Thomas Rumbold, esq., for the said offence be discharged.”

After a very warm debate, and the question being put, it passed in the negative, by 169 against 142.

A motion was then made; and the question being put, “That the petition of Thomas Rumbold be referred to the committee to enquire into facts, and report the same, with their opinion thereupon, to the House.”†

This likewise passed in the negative by 143 against 136.

A similar petition from Mr. Sykes shared the same fate, without a division.

March 1. A petition of one Charles Pinhorn, of the borough of Shaftesbury, was presented,

* Journals.

† Journals.

setting forth, that he was declared, by the bill of incapacitation then depending, to be disabled from voting at any election for members to serve in Parliament, and alleging that, in the report from the committee, he was not charged with bribery, or attempting any persons whatsoever. He prayed therefore that he might be heard by his counsel against that part of the bill respecting him.

The same day was presented another petition of certain persons, on behalf of themselves, observing, that they were disabled by the bill from ever voting for members; that they conceived themselves to be thereby greatly aggrieved; and praying that they might be heard by their counsel against the bill, and that it might not pass into a law.

It was ordered that these petitions should be on the table until the second reading of the bill; and that then the petitioners, if they should think proper, might be heard by their counsel against it.

After several adjournments of the question, the House resolved itself into a committee on the bill, on the 18th of March following, the Hon. George Venables Vernon being chairman; and after some time spent therein, the Speaker resumed the chair, and Mr. Vernon reported—"That they had examined several witnesses, and had made some progress."

After some adjournments, the House again resolved itself into a committee, on Friday the 3d of May, to consider of the said bill.

And the House continuing, in this manner, to adjourn to the 8th of the same instant, and after the proceedings of that day, relative to the borough

of Hindon, the order of the House, to proceed on the incapacitation bill for Shaftesbury, *was ordered to be discharged.*

As soon as the order for further proceeding was discharged, it was resolved, as in the case of Hindon, *That the Speaker should issue his warrants for new writs to supply the vacancies for both places.*

A second petition being presented from Mr. Rumbold, in the same terms as the first, and a similar one from Mr. Sykes, *the orders for prosecuting them was discharged.*

And the orders for prosecuting Good, Bennet, Armstrong, Merrefield, Pope, and Hannam, were also discharged.

While these proceedings were depending in the House of Commons, Mr. Mortimer, who had been determined to be duly elected, brought actions against Mr. Sykes on the statute of the 2d of George II., chap. 24. for TWENTY-SIX acts of BRIBERY, charged to have been committed previous to the election. The causes were tried at the assizes at Dorchester, on the 27th of July, 1776, before Sir James Eyre; and the plaintiff had a verdict for *twenty-two* penalties, amounting to ELEVEN THOUSAND POUNDS.

CORPORATION

Consists of a mayor, recorder, and twelve aldermen.

It was a corporation by prescription, and had a mayor and burgesses before the time of Elizabeth, from whom it had a charter, which was confirmed by James and Charles II.

RIGHT OF ELECTION.

Feb. 29, 1695—is only in the Inhabitants paying scot and lot.

NUMBER OF VOTERS—350.

RETURNING OFFICER—the Mayor.

PROPRIETOR—John Dyneley, esq., attorney at law.

POLITICAL CHARACTER.

Notwithstanding the bribery case which we have given in the Representative History of this borough, it is not to be concluded that the electors of Shaftesbury are more corrupt than the voters in all the rotten boroughs. The same system of bribery, perjury, and their concomitant vices, pervade the whole. Shaftesbury, Hindon, Shoreham, Cricklade, Aylesbury, and Ilchester, have had the misfortune of being more exposed; and why some of these boroughs have had their elective rights thrown open to the adjoining hundreds, while others have escaped that punishment, is a matter of surprize to every one, and can only be accounted for in this way: that those which have their elective rights extended were open boroughs, and sold the representation to the highest bidder, while those which have escaped with impunity are all close boroughs, and at the disposal of an individual, who is generally under the influence of the ministry.

A majority of the houses in this borough was purchased about the year 1774 by the late Hans Wintrop Mortimer, esq., a gentleman who at that time possessed a fortune of six thousand pounds per annum, and thirty thousand pounds in ready money, but his contests in this borough, and the petitions

and law-suits arising out of them, are known to have caused his ruin ; and after representing this place in three parliaments, was confined for some years a prisoner for debt within the walls of the Fleet prison.

Mr. Bryant, an eminent attorney in London, about this time had purchased one hundred and ten houses more in this town, which, added to Mr. Mortimer's property, made up nearly the whole of the borough ; the rental of Mr. Bryant's property being about twelve hundred pounds per annum. The deranged state of Mr. Mortimer's affairs compelled him to make over his estates to trustees, for the benefit of his creditors, when the Shaftesbury purchases were sold for about one-third of their original cost. Mr. Bryant, having also executed a trust-deed, in consequence of the difficulties he laboured under from a commitment of a former lord chancellor, his property in Shaftesbury was put up for sale under the deed, by the assent of one trustee only, and sold for thirteen thousand three hundred pounds, little more than one-third of the original purchase, to a person in trust for the late Paul Benfield, who was accused by the late Mr. Burke, in the House of Commons, of bringing into that House eight representatives for the late Nabob of Arcot from four of these rotten boroughs. Mr. Burke's expression upon this occasion ought never to be forgotten. " The Honourable Gentleman has introduced seven other spirits more evil than himself."

Mr. Benfield became the purchaser of Mr. Mortimer's property also ; and from this period to the time of his bankruptcy returned the two members

for this borough, but never without opposition. At the general election in 1796, the numbers on the poll were,

For Paul Benfield, esq.224

Walter Boyd, esq.190

James Milnes, esq.143

William Dawson, esq.105

He was afterwards opposed at the ensuing general election by Mr. Mortimer and Mr. Bryant, but without success.

Upon the bankruptcy of Benfield, Boyd, and Co., Sir Mark Wood became the purchaser of this borough; but Mr. Bryant's share of it being still under litigation, and not more than about six thousand pounds of the purchase-money being yet paid, and Sir Mark Wood having offended the town by the manner in which he treated the inhabitants, though he possessed nearly all the houses, Mr. Richard Messiter, an eminent attorney of the borough, proposed Edward Loveden Loveden, esq., formerly member for Abingdon; and Mr. Bryant united with him Robert Hurst, esq., the present member for Horsham. At the close of the poll, Sir Mark Wood was defeated by a majority of nearly two to one, the numbers being,

Mr. Loveden211

Mr. Hurst208

Sir Mark Wood109

Mr. Dashwood106

This happened at the general election in 1802: from that period to the last general election in 1812, there has been continual contests between Sir Mark Wood and the original owners of the borough.

Sir Mark Wood, on the 8th of February, 1808, agreed to sell to Sir John Nicholl and his nephew, Robert Peter Dynely, esq., the whole of his estate in the borough of Shaftesbury for 50,000*l.*, 10,000 of which was to be immediately paid; and to preclude any difference between the parties, Sir John Nicholl and Mr. Dynely were to take it upon the same title that Sir Mark Wood held the estates by; but this purchase is not completed, and is still in litigation.

Sir John Nicholl has since got exonerated from his share of the purchase; and R. P. Dynely, esq., having died since the agreement was made, his brother, John Dynely, esq., is become his representative.

In 1812, Mr. Messiter proposed Richard Bateman Robson, esq., and Hudson Gurney, of Norwich, esq.,. Mr. Dynely, who had purchased the borough of Sir Mark Wood, nominated Charles Wetherell, esq., and Edward Kerrison, esq. The two former were successful by a small majority, and returned accordingly, but the two latter were seated upon petition, by admitting several names to be added to the poll of Wetherell and Kerrison who had not paid the last poor-rate, by which the poll was taken, and had been refused by the returning officer on that account.

This decision is at variance with a similar question which arose in the Seaford case, and all others we have met with, except in one solitary instance.

Mr. Johh Dynely having agreed to purchase Mr. Messiter's interest, the contest between the two attorneys is at present at an end.

The price of votes in this borough is still ten guineas each.

CORFE CASTLE.

CORFE CASTLE, a borough and market-town in the hundred of Hasilor, division of Blandford, Dorset, 18 miles from Poole, and $120\frac{1}{2}$ from London; containing 263 houses and 1,344 inhabitants, of whom 740 were returned as being chiefly employed in trade and manufacture, mostly in that of clay, which is used for the potteries in Staffordshire, and in working stone quarries. By an enumeration taken in 1790, it appears to have increased since that time by 95 persons.

REPRESENTATIVE HISTORY.

Corfe Castle is within the Isle of Purbeck; when it became a borough is uncertain, but we learn from history, that it had very great privileges, for those who had been mayors were called barons. At present the mayor for the time being, and of the preceding year, are justices of the peace. It never sent members to Parliament before the 14th of Elizabeth, who granted it this privilege by charter.

We must not omit a small specimen of an unanimous election, which seems to be of an extraordinary nature, as follows:

“ To the right worshipful our assured

“ frinde Sir John Hobert, knight, give

“ these, London.

“ Right worshipful and our undoubted kinde

“ frinde, we the maior and barons of the borough

“ of Corff-Castle, within the isle of Purbeck in

“ the county of Dorset, salute you in Christ.
 “ Forasmuch as at the request of the right wor-
 “ shipful Sir Ed. Coke, knight, his Majesties at-
 “ torney-general, we have elected, and nominated
 “ you to be one of the burgesses of our said bo-
 “ rough, for the service of his Majesties most
 “ high courte of parliament, and for the other
 “ have chosen and elected this honest and kinde
 “ gentleman Mr. Edward Darkham, this bearer,
 “ a man of sufficient ability and livelihood. Our
 “ request therefore unto your worshipp is, that you
 “ would be well pleased to affoord him your kinde
 “ assistance in furtheringe any such motion,
 “ as might be thought beneficiall, and for the
 “ goode of our towne, as also in movinge Sir Ed-
 “ ward Coke, that by his good counsel and direc-
 “ tion, a graunte from his excellent Majestie may
 “ (if possible) be had, for the corroboration and
 “ confirmation of the auntient liberties of our bo-
 “ rough, which we hold by Charter ; wherein if you
 “ vouchsafe to manifest your love to our poore cor-
 “ poration, we shall have no cause at all to repent
 “ us of our choice in electing you, but gratefully
 “ to accept the same, and rest ever readie, to the
 “ uttmost of our powers, in what we may, to make
 “ requital as occasion shall be ministered. Thus
 “ commendinge your self, and your serious affairs,
 “ to the blessinge of the Almightye, doe most hum-
 “ blie take our leaves.”

“ CORFF-CASTELL, the xth of March, 1603,

“ Your worships unknowne,

“ yet kinde poore frindes,

“ JOHN MILLER, Maior.

“ ANTHONY DOLLING.

“ WILLIAM BROWNE.

“ ROBERT ABBOTT.

“ ROBERT DOLLING.

“ ROBERT CODD.”

This letter is an instance of persons in high stations intermeddling in the elections of members to serve in Parliament, which has always been looked upon as destructive to the FREEDOM OF ELECTION.

PETITIONS, &c. March 19, 1678. A petition of Sir Nathaniel Nappier, knt., against the return of Peregrine, Viscount Dumblain.

The question was, whether the right of election was in the freeholders of lands or houses in the said borough, paying scot and lot, or in all the householders generally, and whether the petitioner or sitting member had the majority—when it appeared, that the mayor, being doubtful of the right of election, was informed by the barons, that all freeholders paying scot and lot had the right.

Resolved: “ That Peregrine, Viscount Dumblain is not duly elected ;” and

“ That Sir Nathaniel Nappier is duly elected for this borough ;” to which the House agreed, and

Ordered: “ That Edward Dackcombe, mayor of this borough, be sent for in custody of the serjeant at arms, to answer his misconduct in his return for this borough.”

Dec. 12, 1698. A petition of Richard Founes, esq., against the return of William Culliford, esq., by means of illegal practices.

A petition of Edward Clavell, esq., against the return of John Banks, esq., by means of several conveyances, multiplied votes, contrary to a late act of parliament.

Resolved: "That John Banks, esq., is duly elected a burgess for this borough."

"That William Culliford is not duly elected;" and ordered a new writ in his room.

"That Richard Founes, esq., is not duly elected."

Nov. 16. A petition of William Culliford, esq., shewing, that he with Richard Founes, esq., were again candidates; but, by the arbitrary conduct of Henry Dackombe, the mayor, in refusing to receive votes for the petitioner, but openly declaring himself in favour of Mr. Fownes, did improperly return the said Mr. Fownes.

A petition of several magistrates, burgesses, and inhabitants of this borough, complaining to the same effect.

Resolved, "That Richard Fownes, esq., is duly elected a burgess for this borough;" which, on the second reading, was agreed to by the House.

Jan. 6, 1701. A petition of divers electors and others of this borough against the mayor of this borough, in returning Richard Fownes and John Banks, esq., without giving due notice of the time of election.

No determination.

March 30, 1715. A petition of John Banks and Richard Fownes, esqrs. against the return of Dennis Bond and William Oakden, esqrs.

Petition withdrawn.

Dec. 10, 1718. A petition of Joshua Churchill, esq., against the return of John Banks, esq.

Dec. 11, 1718. A petition of John Banks, esq., against the return of Joshua Churchill, esq.

Resolved : " That John Banks, esq. is not duly elected."

" That Joshua Churchill is duly elected a bur-
gess to serve in this present Parliament for this
borough."

" That it appears that John Benfield, mayor of
this borough, is guilty of divers arbitrary and ille-
gal practices in the late election, and of a contempt
in not obeying an order of the committee for pro-
ducing the charters of the said borough in his cus-
tody."

" That William Dowdall, late mayor of this bo-
rough, is guilty of the same contempt;" which
resolutions being read twice, were agreed to by
the House, and

Ordered : " That Mr. Benfield and Mr. Dow-
dall be both taken into the custody of the sergeant
at arms."

This borough derives its name from its castle,
which is supposed to have been built by Edgar,
whose second wife Elfrida soon made it famous for
the execrable murder of Edward the Martyr, son of
Edgar by his first wife. That young prince passing
one day, as he was returning from hunting, near
Corfe Castle, where his mother-in-law, Elfrida re-
sided, with her son Ethelred, rode from his com-
pany to pay her a visit. Elfrida, being told that
the king was at the gate, ran to receive him, and
urged him very earnestly to alight, and come

in to refresh himself: but, as his design was only to pay his respects to her, as he went by her castle, he would only accept of a glass of wine. The young king had no sooner lifted it to his mouth, than a ruffian, by her order, stabbed him in the back with a dagger. Perceiving himself wounded, he set spurs to his horse, which soon carried him out of sight; but not being able to keep his saddle, from loss of blood, he fell from his horse; and his foot hanging in the stirrup, he was dragged a great distance before his horse stopped, by the house of a poor blind woman. There the people sent after him by Elfrida, and tracing him by his blood, found him dead. Elfrida, in order to conceal this horrid deed, which was only known to her domestics, caused the regal corpse to be thrown into a well. Some time after, Elfrida made the usual atonement, by founding two nunneries, and taking a religious habit.

This castle was a place of great consequence for many ages: for, when Simon de Montfort, Earl of Leicester, took Henry III. prisoner, in the 42d year of his reign, it was one of the three fortresses which he required to be delivered up to him; and it was afterwards chosen for the prison of King Edward II. It was repaired by Henry VII, and was in the possession of Lord Chief Justice Banks, the ancestor of one of the present proprietors of the borough, when his lady, in the civil wars, defended it for Charles II., but it was at last plundered and demolished by the parliament forces.

CORPORATION.

This borough was incorporated, as above, by Elizabeth, who caused it to be governed by a mayor and eight burgesses, called barons.

RIGHT OF ELECTION.

April 6, 1669. *Appeared* to be in lessors for years paying scot and lot, and also in such persons as had the freehold in reversion upon such leases for years.

March 2, 1700. *Appeared* to be in such persons as have an estate of inheritance, or a lease for years, determinable upon life or lives, paying scot and lot.

Jan. 21, 1718. *Appeared* to be in such persons as are seized in fee, in possession or reversion of any messuage, tenement, or corporeal hereditament, in the borough ; and in such persons as are tenants for life or lives ; and for want of such freehold in tenants for years, determinable upon life or lives, paying scot and lot, and in them and in no others.

NUMBER OF VOTERS—14 resident, and about 30 non-resident.

RETURNING OFFICER—the Mayor.

PROPRIETORS—Henry Bankes, esq., and the Right Hon. Nathaniel Bond.

POLITICAL CHARACTER.

This borough, which now consists of a few thatched cottages, is the joint property of the Right Hon. Nathaniel Bond, of the Grange, who

was made a lord of the treasury in 1801, and afterwards judge advocate, from which place he soon retired on a pension; and Henry Bankes, esq., of Kingston Hall, both in this county.

Mr. Calcraft the proprietor of Wareham, had some of the freehold voting houses in this borough, which he exchanged with Mr. Henry Bankes for an equal number of parchment votes in his own borough of Wareham: these two close boroughs being only four miles asunder.

WAREHAM.

WAREHAM, a borough and market-town, consisting of three parishes, in the hundred of Winfrith, and division of Blandford, Dorset, situated near the mouth of the Frome, where it falls into Poole harbour, 10 miles from Poole, and 115½ from London. It is in a very agreeable situation, on a rising ground, declining gently to the south, where it is washed by the Frome; the Piddle passes it at the north, and both meeting together, forms a bay on the east; it contains 378 houses and 1,627 inhabitants. The town consists chiefly of four large open streets, intersecting each other at right angles. It formerly had seventeen churches, now reduced to three.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament the 30th, 33rd, and 35th of Edward the First, and 5th and 7th of Edward the Second, and then

made no other return till the 2d of Edward the Third.

May 16, 1661. Sergeant Charleton reported the opinion of the Committee of Privileges, that Robert, Culliford, esq., ought to sit, to which the House agreed.

March 15, 1690. A petition of Thomas Skynner, esq., against the return of William Okeden, esq.

Oct. 6. Another petition of the said Thomas Skynner, esq., to the same effect.

Dec. 22. Resolved: "That William Okeden is duly elected for this borough.

In 1718, there was a double return of John Banks and Joshua Churchill, esqrs. The former was found not duly elected.

Oct. 18, 1722. A petition of George Pitt, esq., against the return of Sir Edward Erule.

No determination.

A petition of Christopher White and Roger Seward, esqrs., magistrates, and several of the burgesses, inhabitants and freeholders of this borough, touching the right of election, and representing that it had been time out of mind, "*in all the Inhabitants paying scot and lot, and in the Freeholders of the same;*" and that by the arbitrary conduct of Anthony Trew, esq., the mayor of this borough, in admitting above 300 unqualified votes for Sir Edward Erule, bart., did unconstitutionally declare and return the said Sir Edward and Joseph Gascoigne, esq., as being duly elected; and the better to carry his arbitrary conduct into execution, and to intimidate the petitioners from justly

representing their grievances to him, gave orders to the sergeant at mace to read the proclamation against riots and unlawful assemblies, whereby the petitioners were obliged to retire to their respective homes.

No resolution upon the Journals.

Parl. 7. Henry Ludlow Coker, esq., petitioner.

Parl. 8. Nathaniel Gould, esq., petitioner; renewed sessions 2, 3, 4.

The double return made at the general election to the 11th Parliament, of John Pitt and William A. Pitt, esqrs., was by the House declared a void election; and a new writ was ordered Dec. 19, 1754.

CORPORATION.

The present charter, which was granted by Queen Anne, places the town under the government of a mayor, a recorder, six capital burgesses, and twelve assistants. By virtue of this establishment, the mayor, recorder, and preceding mayor, are constituted justices of the peace, and the two first, being of the quorum, are empowered to hold their own sessions.

The inhabitants say that Wareham rose out of the ruins of Stourborough, now a village on the other side of the Frome, in the Isle of Purbeck, and is reputed to be the most ancient borough in this county. It had once no less than *seventeen* churches, which are, however, now reduced to *three*.

RIGHT OF ELECTION.

Jan. 15, 1661. Resolved: "That the right of election for the borough of Wareham, in the

“ county of Dorset, is in the Mayor, Magistrates,
 “ and Freeholders, and all who pay scot and lot.

Jan. 19, 1747. Resolved: “ That the right of
 “ election for the borough of Wareham, in the
 “ county of Dorset, is only in the Mayor and Ma-
 “ gistrates of the said borough, and in such of the
 “ Inhabitants as pay scot and lot, and in the Free-
 “ holders of lands and tenements there, who have
 “ been, *bonâ fide*, to their own use, in the actual
 “ occupation, or in the receipt of rents and profits
 “ of such lands or tenements, for the space of one
 “ whole year, next, before the election, except the
 “ same come to such freeholders by descent, devise,
 “ marriage, marriage-settlement, or promotion to
 “ some benefice in the church.”

NUMBER OF VOTERS—120 nominally, actually
 only one.

RETURNING OFFICER—the Mayor.

PROPRIETOR—John Calcraft, esq.

POLITICAL CHARACTER.

The honour of representing this borough was for a long time contested between the Pitt family and Mr. Drax, of Charborough, the former of whom were patrons of the living, and possessed of a considerable part of the freeholds; the latter was lord of the manor. Here the modern system of sham conveyances was practised in its fullest extent. Houses were divided into many tenements, and the whole market-place parcelled out in different allotments, so that the votes were multiplied without number. On one occasion the contest was so very violent, that all the stamps in the

county were consumed in the mock transfer of property, of which a space of ground, scarcely affording room for a grave, was frequently the subject, and a further supply was necessary to be sent for from the metropolis. The expense of contention increased with the votes, so that the fortunes of both parties appeared in danger. At length, for the purpose of putting an end to such ruinous litigation, the two contending parties, either by express agreement, or from an accidental concurrence of circumstances, parted with the whole of their voting property to one person. Mr. Calcraft, the late army agent, an account of whose life is given in the "Memoirs of Mrs. Bellamy," was the fortunate purchaser, who has transmitted his interest to his son. The inhabitants, like so many Russian peasants, have quietly submitted to the transfer, being incapable of breaking the fetters with which a long *prescription* has shackled them!

COUNTY OF DURHAM.

DURHAM, COUNTY OF, commonly called the **BISHOPRIC OF DURHAM**, a county in the north of England, bounded on the east by the German Ocean, on the south by the river Tees, which divides it from Yorkshire, on the west by Cumberland and Westmoreland, and on the north by Northumberland, being 35 miles long and 34 broad, containing about 610,000 acres of land, of which

300,000 are generally arable, 200,000 pasturage, and about 110,000 waste. This county comprises 113 parishes, containing one city, nine market-towns, about 230 villages, and 27,195 houses, inhabited by 160,361 inhabitants, being 74,770 males and 85,591 females, of whom 25,208 were returned as being employed in trade and manufacture, and 18,217 in agriculture. Durham sends four members to Parliament, viz. two for the county and two for the city. It is divided into four wards, viz. Chester, Darlington, Easington, and Stockton, besides the two districts called Norhamshire and Islandshire. The market-towns are Darlington, Stockton, Sunderland, Hartlepool, Bishop Auckland, Barnard Castle, Sedgefield, Wolsingham, Staindrop, and South Shields. Its principal rivers are the Tees, Wear, and Tyne; these and several smaller streams abound with excellent trout and salmon. When the Romans invaded England, this county was inhabited by the *Brigantes*. During the Saxon Heptarchy, it formed part of the kingdom of Northumberland; and when christianity was embraced, the kings of Northumberland, out of devotion, gave this part of their territory to St. Cuthbert, and his successors, bishops of Lindisfarne, for ever; which grant was further confirmed by William the Conqueror, who also made it a county palatine, its bishop being invested with as great powers within his see, as the king is over the rest of the country. The chief traffic is in coals, which it produces most abundantly, and has a great export at Sunderland. The total return of income under the property tax for the county of

Durham in 1806, was 1,320,364*l.*; the amount of the poor rates in 1803, at 2*s.* 4½*d.* in the pound, was 71,665*l.*; and the average scale of mortality for ten years appears to have been to the population as 1 to 44½.

REPRESENTATIVE HISTORY.

This was a county palatine. Before the statute of Henry the Eighth, they constituted justices of assize, of oyer and terminer, and of the peace; they issued out writs, and appointed offices by patent, for life or otherwise, viz. receivers general, a constable of the castle of Durham, a great chamberlain and under chamberlain, secretaries, stewards, treasurer of the household, comptroller, sheriff, &c. They had several chaces, forests, parks, woods, &c., and appointed their respective officers and coroners in all the wards or divisions of the county palatine, within which they were admirals of the seas and waters, and nominated their judges, registrars, and commissioners for regulating the management of them, and directed commissions to array defensible persons within the said territory, from *sixteen* to *sixty* years of age. These privileges have been thus exercised, and several are so still.

The bishops' barons, who sat in their parliament, were the prior of Durham, Hilton of Hilton, Conyers of Stockburn, Bulmer of Branspath, to which some add, Surreesse of Dinsdale, Hansard of Ewenwood, or, as some say, Ravensworth.

At the time of the battle of Lewes, there were eighty-four knights reckoned in the bishop's liber-

ties ; and there is, among the old rolls of Durham, an account of the said parliaments, and subsidies granted them, with several acts of their council, which consisted of many noble and prudent persons, called barons, but not always the same ; they had also their great seal, &c.

We have been longer enumerating these particulars, because here are no nobility to treat of, this county having never given title to any, it being absolutely vested in the bishop, who is sheriff paramount, and appoints his deputy, which officer never accounts in the Exchequer, but makes up his audit to the bishop.

It never sent members to Parliament till the 31st of Charles the Second.

PETITIONS, &c. Jan. 18, 1562. A bill was proposed for levying fines in the county palatine of Durham, and to have two knights of the shire sent to Parliament, but was never put into execution.

July 11, 1610. Sir Edward Burgess moved the northern counties might have burgesses, but no report appears thereon.

April 9, 1614. Sir George Selby, sheriff of this county, being chosen a knight for Northumberland, a question arose upon the validity of the election ; and upon a petition against him, the House determined that he was ineligible.

May 31. *Lib.* 2. An act was made for knights and burgesses to have a place in Parliament for the county-palatine, city of Durham, and borough or town of Barnard's Castell, *alias* Castle Barnard.

April 26, 1621. *Lib.* 3. An act was made that the county palatine of Durham shall have knights,

citizens, and burgesses, to serve in the Commons House of Parliament.

May 31. Read three times and passed, but *never received* the royal assent.

March 23, 1623. *Lib. 1.* Another act to the same effect.

March 25, 1623. *Lib. 2.* Another act to the same effect, committed to Sir John Savyle, Sir Henry Fane, Mr. Solicitor, Sir Francis Seymour, Mr. Ravenscroft, Mr. Pepper, Mr. Wainsford, Mr. Borwell, Mr. Lency, Mr. Kirton, Sir Clem. Throckmorton, Mr. Louthier, Sir Jo. Danvers, Sir Thomas Wentworth, Sir Thomas Ballasis, knts., burgesses of Yorkshire, Northumberland, Mr. Lively, Sir Anthony Forrest, Mr. Fetherstone, knts., burgesses of Devon and Cornwall, Sergeant Hitcham, and Sir Henry Mildmay.—*Star Chamber.*

May 8, 1624. Another act to the same effect as the preceding ones.

The bill was engrossed, empowering the county and city of Durham to elect and send knights and burgesses to Parliament, was read a third time and passed. In the House of Lords, it was read twice, and committed, but no report was ever made, nor did it pass, nor is any mention made of it again till

Dec. 10, 1667. Ordered: "That the bill for electing members to serve in Parliament be read."

Feb. 26, 1669. The question being put, that the bill do pass, and on a division—yeas 50, noes 65—the said bill was *rejected*, nor is it again made mention of till

Feb. 28, 1672, when leave was given to bring in the said bill.

March 17. Resolved: "That the bill, with

amendments, be engrossed ;” and being read a third time, it PASSED, and *received* the ROYAL ASSENT.

April 14, 1675. The *first* writ for this county was ordered.

March 26, 1679. A petition of Christopher Vane, esq., complaining of undue and illegal practices of the sheriff of this county, in the return of Sir Robert Eden, bart., and John Tempest, esq., particularly setting at liberty a great number of Popish recusants, convict, in order to give their votes.—No report appears.

Oct. 19, 1722. A petition of William, Lord Viscount Vane, against the return of John Hedworth, esq., by means of many arbitrary and unwarrantable practices.

No determination.

POLITICAL CHARACTER.

This county has frequently been contested between the influence of the aristocracy and the church on one side, and the independent interest on the other ; but by an union of the Earl of Darlington with the independent party, the clerical influence has been overpowered, and the county is at present represented by Lord Viscount Barnard, son of the Earl of Darlington, and John George Lambton, esq., the wealthiest commoner in this county. The other leading interests are, Sir John Eden, Sir Thomas Henry Liddell, Sir Ralph Milbank, Sir Thomas John Clavering, Mr. Shaftoe, and the Tempest family. The Earl of Strathmore and the Earl of Scarborough have also seats and considerable estates in this county.

DURHAM CITY.

DURHAM is the capital of the county so called, 18 miles from Darlington, and 260 from London; containing 1,024 houses, and 7,530 inhabitants, being 3,319 males, and 4,211 females, of whom 1,143 were returned as being employed in trade and manufacture. It is nearly surrounded by the river Wear, and is supposed to have been named, from its situation, *Dun Helme*, signifying a hill surrounded with water. It is supposed to have been first built in 995, when the monks of Lindisfarne fixed upon this spot for depositing the relics of St. Cuthbert. The city is about a mile square.

REPRESENTATIVE HISTORY.

PETITIONS, &c. April 14, 1675. A debate arising concerning the issuing out writs for this city and county, it was referred to the Committee of Privileges. Nothing further was done till

Feb. 25, 1677, when Sir Thomas Meers reported, and it was thereon

Resolved: "That Mr. Speaker do make out his warrant to the clerk of the crown, to issue forth a writ for electing two citizens to serve in Parliament for this city.

May 23, 1678. A petition of William Tempest, esq., against the undue return of John Parkhurst, esq.

Oct. 21. Petition renewed.

April 5, 1712. A petition of Anthony Hall,

esq. against the return of Robert Shaftoe, esq., by means of bribery and other illegal practices.

No determination.

Oct. 25, 1722. A petition of James Montague, esq. against the return of Thomas Conyers, esq., by means of divers corrupt and illegal practices.

No determination.

Parl. 7. Henry Lambton, esq., petitioner, against John Shaftoe, esq.

Parl. 12. John Lambton, esq., petitioned against Mr. Gowland's election; and on the 11th of May, 1762, the House found the petitioner duly elected, and ought to have been returned.

The electors petitioned against the return of Richard Wharton, esq., Dec. 7, 1802. It was re-^{Peckwell, vol xi. p. 156.}newed Nov. 23, 1803. The petition stated, that at the last election Ralph John Lambton, Richard Wharton, and Michael Angelo Taylor, esqrs., had been candidates, and that the two former had been returned; that the petitioners had voted for Mr. Taylor; that Mr. Wharton, by himself and his agents, had been guilty of treating, bribery, and corruption, and that his election was void. A committee to try this case was appointed Feb. 8, 1804, and on the 20th determined the election of Mr. Wharton to be void. A new writ was ordered, and Robert E. D. Shaftoe, esq., was elected.

Durham owes its origin to the monks of Lindisfarne, or Holy Island: these ecclesiastics being, with their bishop, Earl Dolphus, driven from thence by the Danes, retired first to a small town north of Durham, called Chester in the Street, about the year 883. Here they carried with them

the reliques of St. Cuthbert, their bishop, and having continued there 113 years, they removed to this place about the year 995, where they deposited their reliques under a small oratory built with hurdles or sticks, and twigs wattled together. From this low origin, Durham rose so rapidly, that in the next century a cathedral was built, and the episcopal see transferred from Chester in the Street to this city. A. D. 1083, the cathedral was pulled down, and a new church erected upon a larger and more magnificent foundation. The decorations of this structure are said to be richer than those of any other church in England; the cause assigned is, that it has suffered less by alienation of revenue than any other cathedral in the kingdom. Its present endowment was established by Henry VIII.

This city is said to have been first incorporated by Richard I., when it was governed by bailiffs appointed by the bishops, and afterwards by an alderman and twelve burgesses.

Queen Elizabeth gave it a mayor, aldermen, and common-council; but it has since been governed under a charter procured by Bishop Crew, of Charles II., by 12 aldermen, a recorder, 24 common-council, a town-clerk, and other officers, who could hold a court-leet and court-baron within the city, in the name of the bishop for the time being. They also keep a Pye-powder-court, instituted to regulate disorders at fairs.

The bishop being Earl of Sadberg, a small town near Stockton, is a temporal prince; he holds the title by barony; he is sheriff paramount for the

county, and appoints his deputy, who makes up his audit to him, without accounting to the Exchequer. He is also, as count palatine, lord of the city, and appoints all civil officers, and other inferior magistrates.

The corporation of Durham had been guilty of so many illegal practices, as at last to be several years without a mayor, and in that imperfect state of not having it in their power to elect one according to the constitution of the city. A new charter was repeatedly applied for, but the bishop and the old corporation differing about its principles, it was not obtained till within these few years, when Doctor Egerton, the last bishop but one, granted them a new charter, under which they at present act.

By stat. 25 Car. II., c. 9. "The county palatine of Durham may have two knights for the county, and the city of Durham two citizens to be burgesses for the same city to serve in Parliament, to be elected by writ awarded to the Lord Bishop of Durham, or his chancellor of the county, and precept thereupon by the lord bishop, or his temporal chancellor, to the sheriff; the election of the knights to be made by the greater number of freeholders, as in other counties, and the election of burgesses for the city of Durham to be made by the major part of the mayor, aldermen, and freemen; which knights and burgesses shall be returned by the sheriff into the chancery, upon the like pains as the sheriffs of any other county."

HONORARY FREEMEN.

A contest happening between the corporation, who adopted Mr. Ralph Gowland, and the city, who supported Mr. Lambton, in the year 1762, the latter presented a petition against an undue election of the former. The petition stated, that when Mr. Lambton and Mr. Gowland offered themselves as candidates to represent the said city, "that John Drake Bainbridge, esq., was, together with several other aldermen, very strenuous and active in soliciting votes for Mr. Gowland; and that they and their agents corruptly prostituted a public charity to the purposes of influencing several indigent freemen; and that finding the inclinations of a large majority of the legal voters were in favour of the petitioner, they concerted a scheme of overpowering that majority by factitious votes; and that, for this purpose, the said John Drake Bainbridge, and several other aldermen of the city, long after Mr. Gowland and the petitioner had declared themselves candidates, and within a few weeks of the late election, took upon themselves illegally to displace out of the common-council of the said city several of the most substantial and respectable inhabitants, and to substitute other persons of inferior character and station, whose only recommendation was their known attachment to Mr. Gowland; and that on the 4th October last, the said John Drake Bainbridge procured himself to be appointed mayor of the said city, and after his appointment to that office, continued the same

zeal and activity in soliciting votes for the said Mr. Gowland; and that the said John Drake Bainbridge, and several of the aldermen of the said city, having unduly garbled a common-council for their purpose, they proceeded on the 13th October last, to make a pretended, but illegal repeal of an ancient by-law, by which none could be admitted freemen until their claim had passed three quarterly guilds; a regulation that was made for the better security of the legal freemen and trading companies of the city, and to prevent a precipitate admission of improper and unqualified persons; and that having thus rescinded and got rid of the aforesaid by-law, which would have prevented the execution of their scheme, some of the aldermen above mentioned, on the second of November, which was not a month before the writ of election issued, illegally, and against the consent of a large majority of trading companies, admitted upwards of 200 occasional freemen, for no other purpose but to encrease the poll for Mr. Gowland; and that the persons so admitted were strangers to the said city, residing at a distance, and most of them unknown to the wardens of the companies, but strenuous partizans of Mr. Gowland, and under the influence of the said mayor and his confederate aldermen; and alleging that, even after the teste of the writ of election, and during the very time of the poll, the aforesaid mayor unduly admitted a great number of persons to the freedom of the said city, in order to procure, at any rate, a majority of votes for Mr. Gowland; and that, notwithstanding

repeated applications were made to the mayor by the petitioner and his agents, for an inspection of the corporation gild-book, and for a list of the pretended freemen so made and admitted as aforesaid, he, the said mayor, refused both; and that, at the late election, which began on the 7th of December last, the aforesaid mayor illegally, and contrary to his duty, as returning officer, admitted the votes not only of the occasional freemen above mentioned, but also of many other persons who offered, and ought to have been admitted to vote for the petitioner; and that, notwithstanding the number of such occasional voters amounted to upwards of 200, yet the pretended majority for the sitting members upon the close of the poll was no more than 23; and that, to complete the design of these unwarrantable practices, the aforesaid mayor hath unjustly, and contrary to the duty of his office, returned the said Mr. Gowland as duly elected representative for the said city, notwithstanding the petitioner had a clear majority of 192 legal votes in his favour, and ought to have been returned accordingly; and that his conduct as mayor, and his confederates, is a manifest injustice to the petitioner, an open violation of the rights and franchises of the legal freemen and voters of the said city, and a daring infringement of the orders of this house, &c.” *

The petition signed by the freemen was also read, and alleged, “that by those proceedings of the said mayor and his confederates, the peti-

* Journals, vol. xxix. 105.

tioners, and the rest of the legal freemen of the said city, are grossly injured, and their rights, liberties, and franchises, were grossly violated and invaded, &c.”*

These petitions being referred to a hearing at the bar of the House, upon the 4th May following, a motion was made; and the question being proposed, that 215 persons made, or pretended to be made, free of the city of Durham, since the death of Henry Lambton, esq., late member of Parliament for the said city, had not a right to vote in the late election of a citizen to serve in Parliament for the said city.

The House, on the following division, determined in the affirmative.

Yeas.....88

Noes.....72

Majority for the question 16

Mr. Gowland was next, on a motion, declared not duly elected.

And it was resolved, that Major-general John Lambton was duly elected to serve in that Parliament for the city of Durham.

It was then ordered that the deputy clerk of the crown should attend the House as the next morning, to amend the return for the said city of Durham, by razing out the name of Ralph Gowland, esq., and inserting the name of John Lambton, esq., instead.†

* Journals, vol. xxix. 105.

† Ibid. ibid. 339.

Thus were the rights of the people triumphant over the illegal and arbitrary influence of corporative authority. And to prevent the possibility of such an abuse of municipal power in future, the famous statute, known by the name of the Durham Act, passed in the 3d of his present Majesty. By this act, no person has a right to vote, who has not been possessed of their franchise twelve calendar months before the first day of the election. This act does not extend to persons who are entitled to their freedom of right by the custom of the borough ; for such may be admitted at any time previous to an election, or even during the poll.

In Durham, persons acquire their freedom either by birth, servitude, or election, into companies at certain guilds, holden by those companies.

CORPORATION.

The corporation of Durham consists of a mayor, recorder, 12 aldermen, town-clerk, 24 common-council, and an indefinite number of freemen, &c. The common-council are chosen from 12 incorporated trading companies.

NUMBER OF VOTERS—1200.

RETURNING OFFICER—the Mayor.

RIGHT OF ELECTION.

The choice of members to serve in Parliament is in the Corporation and Freemen, resident and non-resident.

POLITICAL CHARACTER.

This city had been independent for many years, and was considered to be so from the year 1762, when the corporation had so basely endeavoured to subvert the freedom of election, by making 215 freemen at one time, to out-number the independent electors in the choice of a representative.

The respectable family of Lambton have represented this city for nearly a century, and we have little doubt but they may aspire to that honour at any future period ; at present, however, the church and the corporation appear to have an overwhelming influence ; and we have seen an address from a candidate to the electors, professing such servile adherence to the doctrine of passive obedience and non-resistance, that any one would imagine it proceeded from the court of James the Second.

The great number of non-resident freemen here causes an enormous expense in bringing them from all parts of the kingdom to vote at an election, and is one of those radical evils in the present system, which nothing short of an effectual reform can cure, by giving them the right of voting in the district where they reside.

ESSEX.

Essex, a county of England, bounded on the north by Suffolk and part of Cambridgeshire, on the west by Hertford and Middlesex, on the south by Kent, and on the east by the German Ocean, being about 46 miles long and 40 broad; containing 1,240,000 acres of land, having 380,000 acres chiefly cultivated as arable, and 820,000 acres in pasturage, including 415 parishes, three boroughs, viz. Colchester, Harwich, and Malden; 21 market-towns, viz. Barking, Billericay, Braintree, Brentwood, Chipping Ongar, Chelmsford, Coggeshall, Dunmow, Epping, Grays, Halsted, Hatfield, Broadoak, Ingatestone, Manningtree, Rayleigh, Rochford, Rumford, Thaxted, Walden, Waltham, and Witham, which contain 38,371 houses, and 226,437 inhabitants, being 111,356 males, and 115,081 females, of whom 25,283 were returned as being chiefly employed in trade and manufactory, and 65,174 in agriculture. Its principal rivers are the Thames, Stour, Coln, Blackwater, and Chelmer: the first forms the boundary between this county and that of Kent; the Stour separates it from Suffolk, and falls into the German Ocean at Harwich; the Lea separates it from Hertford and Middlesex, and falls into the Thames near Blackwall; the Coln passes Halsted and Colchester, and falls into the German Ocean seven miles below; the Blackwater joins the Chelmer near Malden, and afterwards falls into the sea.

Essex has a diversity of soil and face of country ; the south-west part consists chiefly of Epping forest and its several branches : its pasturage on the banks of the rivulet Rodden produces that famous butter which takes the name of *Epping*. The northern parts are more open and uneven. Towards the sea-shore, in what are called the hundreds of Essex, is excellent pasturage ; being a tract of rich marsh land, but the inhabitants of this part of the county are much subject to agues : the northern part is elevated, and tolerable healthy. The chief manufactures are of cloths and stuffs ; carried on principally at Colchester and in its neighbourhood. The county is divided into 19 hundreds, viz. Barnstaple, Becontree, Chafford, Chelmsford, Clavering, Dangie, Dunmow, Freshwell, Harlow, Hinckford, Lexden, Ongar, Rochford, Tendring, Thurstable, Uttlesford, Waltham, Winstree, and Witham, and the liberty of Haver- ing. Essex lies in the diocese of London and province of Canterbury. Total amount of income under the property tax, 1806, 2,499,789*l.* ; amount of money raised on the poor rates, 1803, 216,688*l.* being at the rate of 5*s.* 11½*d.* in the pound. Scale of mortality, on the average of 10 years, as 1 to 44 of the resident population.

REPRESENTATIVE HISTORY.

This county has sent members to Parliament since the 23d of Edward the First. In the 32d of the reign of Henry the Sixth, Sir Thomas Thorp, a baron of the Exchequer, represented this county, and was chosen Speaker. In the vacation of Parliament, an action was brought against him

by the Duke of York for certain trespasses, in which he recovered 1000*l.* damages, and he was taken in execution for the same; upon which, the whole House of Commons presented a petition to the King and Lords for his enlargement; upon which the Duke of York made a representation to Parliament. The matter was considered, and the King and Lords refused to discharge him, and the Commons elected another Speaker. This being a matter greatly affecting the privileges of Parliament, we have thought it proper to go into detail, and have only further to observe, that a baron of the Exchequer *was* capable of holding a seat in the House of Commons, and also, that this proceeding was entirely under the arbitrary influence of the Duke of York, and declared to be grievous by Parliament, in the first year of Henry VII.

PETITIONS, &c. Jan. 22, 1688. A petition of John Lamont Honeywood, esq., against an undue election for this county.

Feb. 26, ——. A petition of divers gentlemen, freeholders of this county, to the same effect.

Resolved: "That John Worth, esq., is duly elected a knight of the shire to serve in Parliament for this county;" to which the House agreed.

March 24, ——. A petition of Sir Anthony Abdy and Sir Eliab Harvey, knts., against the return of Henry Mildmay and Sir Francis Masham, by means of numerous illegal practices being exercised by them, in conjunction with John Lamont Honeywood, esq., the sheriff of this county.

Oct. 19, 1690. A petition from the same to the same effect.

No report appears.

Jan. 17, 1692. A petition of Sir Eliab Harvey, against the return of John Lamont Honeywood, esq., by means of the sheriff closing the poll, to the exclusion of many of the petitioner's voters.

Resolved: "That John Lamont Honeywood, esq. is not duly elected for this county."

Resolved: "That Sir Eliab Harvey is not duly elected for this borough;" and

Resolved: "That the election is a void election."

The said resolutions being read twice, the first resolution was disagreed to.

June 14, 1715. Robert Honeywood, esq., petitioned against the return of William Harvey, esq.

The poll was—

For Mr. Harvey 2541

Mr. Honeywood 2517

The petitioner's counsel objected to 157 of the sitting member's votes, and produced evidence, who disqualified 142.

The sitting member's counsel objected to 251 of the petitioner's votes, and produced evidence to disqualify 112.

Mr. Harvey was found *not* duly elected, and Mr. Honeywood duly elected, and ought to have been returned.

Parl 13. Several of the freeholders petitioned, but afterwards withdrew their petitions.

POLITICAL CHARACTER.

Since the expensive contest of the late Mr. Luther for the representation of this county, the

opulent gentlemen amongst the whigs and tories have contented themselves, in order to avoid the ruinous expense of a county contest, with each sending one member. Essex, like three-fourths of the English counties, is, by this compulsory coalition, deprived, *de facto*, of any representation. For upon every political division, the members, by dividing against each other, preserve so nice a balance, as to give the whole weight to the nominal representatives of the *immaculate* boroughs. But when it is considered that all the counties in England send but eighty representatives, and the decayed boroughs upwards of *four hundred*, they could give no effectual support to the cause of the people they represent, were their elections ever so pure, or their union ever so complete.

Montagu Burgoyne, esq., has twice opposed this unnatural coalition, but the whigs, though acting in unison with him in political opinion, have withheld their support from him at the contest. To such a state of party accommodation is the county representation reduced, and such is the sacrifice of principle to family interests and election purposes.

The leading interests in this county are, Lord Viscount Maynard, Lord Petre, Lord Braybroke, Mr. Honeywood, Mr. Bramston, Mr. Western, Mr. Houblon, Admiral Harvey, Mr. Conyers, Sir William Abdy, Mr. Bullock, Sir William Smith, Sir George Henry Smyth, William Smith, esq. member for Norwich, Mr. Long-Wellesley, &c. &c.

At the close of the poll at the last general election, in 1812, the numbers were,

For John Archer Houblon, esq. 1417

Charles Callis Western, esq. 1351

Montagu Burgoyne, esq. . . . 339

COLCHESTER.

COLCHESTER, a borough and market-town in the hundred of Lexden, Essex, pleasantly situated on the banks of the navigable river Colne, 51 miles from London. It contains 16 parishes and 12 parish churches, 1,959 houses and 11,520 inhabitants, being 5,012 males, and 6,508 females, of whom 2,154 were returned as being employed in trade and manufacture, and 741 in agriculture.

REPRESENTATIVE HISTORY.

This borough has sent members to Parliament since the 23d of Edward the First. It was a borough at the time of the Norman Conquest, and has had many charters, which at the revolution were restored, but about the year 1741, the same charters and privileges, thereby granted to the town, were declared void.

PETITIONS, &c. March 28, 1628. A report of an undue election for this borough.

No report appears.

June 3, 1685. A petition of Samuel Reynolds, esq. touching the election of this borough.

No report.

Jan 12, 1688. A petition of Sir Walter Clarges, bart. complaining of the undue election and return of Mr. Samuel Reynolds and Mr. Isaac Rebow.

No determination.

March 24, 1689. A petition of Isaac Rebow, esq., against the return of Edward Cary, and Samuel Reynolds, esq.

Oct. 6, 1690. A petition from the same to the same effect.

Nov. 11. Resolved: "That Edward Cary and Samuel Reynolds, esqrs. are duly elected burgesses for this borough.

Nov. 29, 1695. A petition of several freemen and burgesses against the return of Sir John Morden, by means of the mayor refusing several qualified votes for Sir Thomas Cook, the other candidate, and various other illegal acts of the said mayor, contrary to the true constitutional spirit of the rights of elections.

March 28, 1696. Resolved: "That Sir John Morden is not duly elected."

"That Sir Thomas Cook is duly elected a burgess to serve for this borough."

But the first resolution being read twice, was disagreed to.

Nov. 4, 1702. A petition of John Potter, esq., against the return of Sir Isaac Rebow, by means of bribery and corruption at the late election. Also,

A petition of several freemen and inhabitants of this borough to the same effect.

A petition of the free burgesses of the corporation of this borough against the return of Sir Thomas Cook by means of the same corrupt practices.

Nov. 21. Resolved: "That Thomas Cook is duly elected a burgess for this borough."

"That John Potter, esq., is not duly elected."

The said resolutions being read twice, were agreed to by the House.

Resolved: "The charge against Sir Thomas Cook, a member of this House, for bribery, is false and groundless."

Ordered: "That John Weely, agent for Sir Isaac Rebow, for his corrupt practices, in endeavouring to procure the said Sir Isaac to be elected for this borough, be taken into the custody of the sergeant at arms."

Resolved: "That the petition of several of the free burgesses of the corporation of this borough, against Sir Thomas Cook, a member of the House, is *false and scandalous*;" and,

Ordered: "That William Motte, jun., Arthur Winsley, jun., Peter Brasier, Edmund Johnson, Thomas Gregson, William Freeman, and William Leach, six of the said petitioners, be severally taken into the custody of the sergeant at arms attending this House."

Jan. 10, 1705. A petition of Sir Thomas Cook, knt., against the return of Sir Thomas Webster, by means of many undue and illegal practices. Also,

A petition of Samuel Guet, Stephen Kinsum, John Rayner, Richard Daniel, John Hoyl, and John Boggis, against the same return.

Dec. 11, 1706. A petition of Richard Daniel, John Bull, and several others, against the same return.—No determination.

Dec. 1, 1710. A petition of William Gore against the return of Sir Isaac Rebow and Sir Thomas Webster, by means of indirect practices.

Jan. 27, 1711. Resolved: "That Sir Thomas Webster, bart., is not duly elected."

Resolved: "That the mayor cannot make foreigners free without the consent of the majority of aldermen and common-council."

Resolved: "That William Gore, esq., is duly elected a burgess for this borough;" which was agreed to by the House.

March 3, 1713. A petition of William Gore and Nicholas Corseillis against the return of Sir Thomas Webster and Sir Isaac Rebow, by means of bribery and other undue practices.

No determination.

In 1715, Nicholas Corsellis, esq. petitioned—in 1722 Sir Isaac Rebow petitioned, which was renewed the second and third session; and in 1728, Sir George Cooke petitioned. These, however, produced no trials.

In 1755, Isaac Martin Rebow, esq. petitioned against the return of Charles Gray, esq. The petitioner was declared by the house to be duly elected, and ought to have been returned. Mr. Gray was found not duly elected, March 13.

In 1768, Alexander Fordyce, esq. petitioned; it was renewed the second session, when he requested leave to withdraw it, to which the House agreed.

The death of Mr. Rebow during the recess of Parliament in 1781 occasioned a vacancy for this borough. The candidates to supply it were Chris-

topher Potter, esq. and Edmund Affleck, esq. (at that time abroad,) the former of whom was returned. The numbers on the poll were,

For Mr. Potter.....639

Sir Edmund Affleck.....571

Some electors in the interest of Commodore Affleck petitioned against the return. The committee for the trial of this petition met Feb. 6, 1782. After the petitioners had finished their case, and the sitting member's counsel had opened his defence, the latter called upon the petitioners to produce Commodore Affleck's qualification. (He was at that time likewise out of the kingdom.) The petitioners admitted that they had been duly served with notice for that purpose, but declined to produce it; and contended, under the circumstances of the case, it ought not to be required of them; that their candidate's continued absence out of the realm, at and since the election, necessarily excused them from complying with the orders of the House respecting the qualification. The sitting member's counsel, on the other hand, insisted upon the necessity of it; and each party maintained their points in arguments at length. The committee deliberated upon them, and resolved unanimously, "That in the stage of the proceeding it was not necessary to inquire into the qualification of Commodore Affleck." The sitting member's case then proceeded, and when both were finished, the court, after employing three days in deliberating upon the merits of the election, resolved, "That the sitting member should not be permitted to go into Commodore Affleck's qualification, he having

been abroad at the time of the election, and having continued in the West Indies ever since."

The committee found that Mr. Potter was not duly elected, but that Edmund Affleck, esq., was duly elected, and ought to have been returned.—March 4, 1782.

Luders,
vol. i p.
415

In 1784, Sir Robert Smyth, bart., petitioned against the election of Christopher Potter, esq. It stated that the petitioner had the majority of legal votes, but that the mayor, from partiality to Mr. Potter, illegally rejected rightful votes for the petitioner, and admitted illegal votes for Mr. Potter; that Mr. Potter by these means, and also by bribery, had procured himself to be unlawfully returned; and that a commission of bankruptcy was issued against Mr. Potter, April 17, 1783, and that he was thereupon declared a bankrupt, and an assignment of all his effects was made for the benefit of his creditors; that at that time he had no freehold estate, and that no more than 2s. 6d. in the pound had been paid, and that the said Mr. Potter was not capable of being elected and returned.

The numbers on the poll for the several candidates were,

For Sir Edmund Affleck.....	665
Mr. Potter.....	425
Mr. Smyth.....	416

The due election of Sir Edmund Affleck was admitted by both parties.

Peckwell.
vol. i. p. 25.

It was found that Mr. Potter, the sitting member, had not given in his qualification. The committee determined his election to be void, and a

new writ was ordered, July 5, 1784. It was made a question before the committee, whether the election of the sitting member being adjudged to be void for want of a qualification, the petitioner could proceed to prove his title to the seat, but it was not pretended that the petitioner had a right to be returned.

Christopher Potter and Samuel Tyssel, esqrs., and several of the inhabitants petitioned against Sir Robert Smyth's election, which was renewed the second session and tried. The chairman of the committee appointed to try the merits of this election reported to the House, March 16, 1785, that they found the sitting member duly elected.

George Jackson and George Tierney, esqrs., having an equal number of votes, were both returned in 1788, on the death of Sir Edmund Afleck, and both presented petitions on the occasion. The return stated specially, that Jackson and Tierney were candidates, and that each had 640 votes at the close of the poll, but did not say that either was duly elected. Jackson's name stood *first* in the return, and the committee (who tried the case March 27, 1789) held this return not to be within the order, and then decided on arguments drawn from the allegations of the petitions on both sides, "that Tierney's counsel should begin."

Mr. Tierney's petition stated, that Bezaliel Angier, esq., the mayor and returning officer, was guilty of gross partiality in favour of Mr. Jackson; that he refused to permit the poll-clerks to be sworn; unnecessarily and arbitrarily adjourned the

Peckwell.
v. i. p. 503.

poll for the purpose of admitting several persons to their freedom whom he afterwards suffered to vote Mr. Jackson; and that Mr Jackson had been guilty of bribery and treating; and that by these, and other undue means, an equality of votes had been procured for Mr. Jackson with the petitioner, who had the clear majority of legal votes, and ought to have been returned.

Mr. Jackson's petition stated, that it was agreed by the candidates that the poll should close ten minutes past seven precisely: that when the time expired the petitioner had a majority; but that, contrary to the agreement, a voter was afterwards received for Mr. Tierney, which gave him an equality of votes with the petitioner, and that this vote should be struck from the poll; that Mr. Tierney had been guilty of bribery and treating; and that Mr. Jackson had the majority of legal votes, and ought to have been returned.

44 Journ.
268.

The committee resolved, April 4, 1789, (the thirty-second day of their sitting,) that Mr. Tierney was duly elected, and ought to have been returned. The report was made April 6, and it was ordered that the deputy clerk of the crown should amend the return, by making it a return of Mr. Tierney.

In 1791, George Tierney, esq. petitioned against the return of George Jackson and Robert Thornton, esqrs.

Peckwell.
v. i. Pref. xi.

On the ballot of the committee, March 31, to try the merits of this petition, the counsel for Mr. Jackson informed the House that the sitting members had distinct interests, and that the charges

contained in the petition were distinct; that against Mr. Thornton being for bribery, and that against Mr. Jackson that he was ineligible on account of his holding a pension from the crown; that the sitting members had no communication with each other, and that, therefore, they desired to appear as separate parties on distinct interests. The House permitted the sitting members to appear as distinct parties.

April 4, 1791, the chairman reported to the house that the sitting members were duly elected, and that the petition was frivolous and vexatious.

In 1796, R. Shipley, esq. petitioned against the return of John Lord Muncaster and Robert Thornton, esq., March, 1797. The chairman of the committee that tried this election reported to the House, that the sitting members were duly elected, and that the petition was frivolous and vexatious.

This town, as before observed, is the *Colonia* of the Romans; that it was a Roman town is apparent from their being more Roman bricks in this town than in any town in England. The present castle is said to have been built about the year 910, by Edward, son of Alfred. But others with more probability, relate that the town and castle being found in ruins by William the Conqueror, it was given by him to the famous Eudo Dapifeo, who built the castle on the site of an ancient palace. Colchester appears from the lists of members in Morant's history of this town, to have sent to Parliament ever since 23rd of Edward I.

CORPORATION.

This town is governed by a mayor, high steward, a recorder, or his deputy, eleven aldermen, a chamberlain, a town clerk, eighteen assistants and eighteen common council. The mayor and aldermen for the time being, with 48 guardians, are also a corporation for the benefit of the poor. It was incorporated by William III., and afterwards in 1763. It is a liberty of itself, containing four wards and sixteen parishes, within and without the walls.

CORPORATION CASE.

In 1735, one William Seaber executed a bond to the mayor and commonalty. In 1740, judgments of ouster were pronounced against all the persons acting *defacto*, as mayor and aldermen in Colchester; all those persons were dead before 1763. And on the 9th of September, 1763, the present charter was granted and accepted. In Easter term, 1766, the new corporation brought an action of debt on Seaber's bond against his executor.

The question was, therefore, whether the present corporation could maintain the action? This was involved in another question—whether the old corporation was dissolved in 1763?

On this the opinion of Lord Mansfield was, “The corporation is not dissolved by the judgments of ouster, and subsequent deaths of the mayor and aldermen, though they are without their magistrates. Their constitution is not destroyed and gone, their former rights remain. Would not a freeman of Colchester still continue

to have a right to common, or to vote for members of parliament?"

"I am clear upon principles of law, that the old corporation was not *absolutely dissolved* and annihilated, though they had lost their magistrates. Where there is a judgment against the corporation itself the case would be of a different consideration."

The other justices, Wilmot, Yates, and Aston, concurred with his lordship.

RIGHT OF ELECTION.

March 28, 1696. The committee reported, that the right of election for Colchester in Essex, was agreed to be in the sworn Burgesses, not receiving alms.

Jan. 27, 1710. Resolved, That the mayor of the borough of Colchester, in the county of Essex, cannot make foreigners free of the said borough, without consent of the majority of aldermen and common council.

May 6, 1714. Agreed, that the right of election is in the Mayor, Aldermen, Common-council and free Burgesses, not receiving alms.

Resolved, That the right of making foreigners (not having a right of freedom by birth or service) freemen of the borough of Colchester, in the county of Essex, is in the mayor and free burgesses of the said borough, in common hall assembled.

CONTEMPT OF PRIVILEGE.

March 20, 1713. A complaint being made to

the House, that the town-clerk of the borough of Colchester, having been served with an order of the committee of privileges and elections for permitting Nicholas Corsellis, esq., and his agents, to inspect the free-school book, and any public books, charters, papers, or records, in order to the preparing for the hearing of the matter touching the election for the said borough, before the said committee, he the said town-clerk had refused the same.

Whereupon one John Summers, servant to the said Mr. Carsellis, was called in, and examined at the bar, in relation to the matter of the said complaint.

And then he withdrew.

Resolved, That Thomas Glascock, town-clerk of the borough of Colchester, in the county of Essex, having refused to obey the order of the committee of privileges and elections, for permitting Nicholas Corsellis, esq., or his agents, to inspect the public books and records of the said borough, be, for the said contempt, taken into the custody of the sergeant at arms attending this House.

But on the 6th of April, he was brought to the bar, reprimanded on his knees, and discharged.

BRIBERY AND DISQUALIFICATION.

April 4, 1784. Sir Robert Smyth, bart. presented a petition, alleging, that at the last election for the borough of Colchester, Sir Edm. Affleck, bart., Christ. Potter, esq., and the petitioner, were candidates ; that the petitioner had the majority

of legal votes, but that the mayor, from partiality to Mr. Potter, illegally rejected rightful votes for the petitioner, and admitted illegal votes for Mr. Potter; that Mr. Potter, by these means, and also by bribery, had procured himself to be unlawfully returned—" And that a commission of bankruptcy was issued against the said Christ. Potter, on the 17th of April, 1783, and he was therefore found and declared a bankrupt; and on the second day of the month following, an assignment of all his estate and effects whatsoever was made for the benefit of his creditors; and that at such time the said Christ. Potter had no freehold estate whatsoever; and from the estate and effects of the said Christ. Potter, the petitioner is informed no more than two shillings and sixpence in the pound has been paid to his creditors; and for these reasons, the petitioner begs leave to represent to the House, that the said Christopher Potter had not at the time of the said election, such an estate in law or equity, for his own use and benefit of, and in lands, tenements, or hereditaments, as qualified him to be elected and returned to serve as a member for the said borough, according to the law in that behalf made and provided; and that the said Christ. Potter was not capable of being elected and returned."

Upon hearing the petition, both parties admitted that Sir Edmund Affleck, according to the following poll, was duly elected,

For Affleck.....665

Potter.....425

Smyth.....416

At the election, Mr. Potter being called upon,

delivered in an affidavit, sworn before the mayor, of his having a sufficient estate.

The counsel proceeded to invalidate the election of Mr. Potter, on the subject of disqualification. They alleged, that he had not complied with 33 George II. c. 20, which requires that all members of the House of Commons (with some exceptions) before they presume to vote, or sit in the House, shall publicly deliver in at the table, while the House is sitting, a schedule of their qualifications, specifying the situation, &c., and shall take and subscribe an oath of the truth of the schedule. The oath is to be enrolled, and the schedule filed by the clerk; and the election of a member not complying with this act, or not being duly qualified, shall be declared void, and a new writ issue.

The counsel then referred to the instances of Honiton, Weymouth, Malden, and Bossiney, as cases in point, proving that the House had deemed the election of members, so refusing, void.

The counsel for the sitting member answered, that Mr. Potter had complied with the statute of 9 Anne: which requires an oath of qualification at the time of election, or before the meeting of Parliament, by swearing to his qualification when requested. And the statute of 33 George II. only requiring members, *when they take their seats*, to give in and swear to the schedule of their qualifications, he was free from the penalty of that act, from not having yet taken his seat.

With respect to his being disqualified by his bankruptcy, this was sufficiently answered, from his having obtained a certificate, that might since

have enabled him to acquire sufficient property for qualification. The allegation, his counsel said, ought to have been such, as if true, would have convicted the sitting member of perjury in his affidavit; for that alone would prove the incapacity.

Supposing the sitting member to have disobeyed the standing order, the point contended for would not be the consequence of this construction; for the counsel observed, that the House of Commons *could not make a legal disqualification*; this was only to be affected by the whole legislature. He contended, that the cases adduced were not in point, they were only just examples of practice respecting the order they depended on, and no more. It was impossible, he said, to find a case so applicable to the present, as to enable the committee to follow, without opposition from Mr. Potter.

After a short reply from the counsel for the petitioner, the committee

Resolved, That the petition presented by Sir Robert Smyth, bart., does contain an express charge of want of qualification against the sitting member.

Resolved, That Christopher Potter, esq., has not complied with the standing order of the House, of the 21st Nov., 1717, which requires "that if the qualification is expressly objected to in any petition relating to his election, he shall, within fifteen days after the petition is read, give to the clerk of the House of Commons a paper, signed by himself, containing a rental or particular of the lands,

tenements, and hereditaments, whereby he makes out his qualification."

"Determined, That the last election of members to serve in Parliament for the borough of Colchester, in the county of Essex, is, so far as relates to Christopher Potter, esq., a void election."

These resolutions being communicated to the bar, the counsel for the petitioners resumed that part of their case by which they claimed the seat for their client; and proposed to shew that he had a majority over Mr. Potter, by disqualifying ten of his votes, which would leave the numbers for Mr. Potter 415, and for Sir Robert Smyth 416.

After a few more observations from the counsel for the sitting member, the committee

Resolved, July 5, "That the election of Christ. Potter, esq., for the borough of Colchester, having been declared void, the counsel be restrained from entering into any examination relative to the disqualification of votes on the poll for the said borough of Colchester."

On the same day the chairman reported to the House, "That the committee had determined, as before stated, that the election for members to serve in Parliament for the borough of Colchester, in the county of Essex, is, so far as relates to Christopher Potter, esq., a void election."

A new writ was in consequence ordered to be issued,

CORPORATION

Is governed by a mayor, recorder, town-clerk, eleven aldermen, eighteen assistants, and eighteen common-council.

RIGHT OF ELECTION.

Agreed to be in the Mayor, Aldermen, Common-council, and Free Burgesses not receiving alms.—May 6, 1714.

NUMBER OF VOTERS—1400.

RETURNING OFFICER—the Mayor.

POLITICAL CHARACTER.

This borough has derived a distinguished character in the annals of controversy and corruption. The several contests between Mr. Rebow and Mr. Fordyce, the once eminent banker ; Mr. Christopher Potter, the contractor, with the late Sir Edmund Affleck ; and the more recent oppositions between Mr. Tierney and Sir George Jackson, have produced some very curious anecdotes, which, if the compass of our work would admit us to relate, must create a blush even on the face of political profligacy. Sir Thomas Webster having represented this town, in what was called the pensioned Parliament of Charles II., became so disgusted with the parliamentary depravity of that body, as to take a resolution to abandon them and the cause of the people in that House, where he saw no possibility of either opposing the despotic measures of the court, or of supporting the liberties of his country. He wrote accordingly a letter to his constituents on the election of the first Parlia-

ment of James II, which met on the 21st of March, 1685, declining the representation of a people, whose delegated legislature was converted into an engine of despotism, by the corrupt ministers of an arbitrary king, and requesting them to choose another representative; he then absented himself from the town and its connexions. On the day of election, however, his former constituents, with a virtue and manliness of conduct peculiar to real independence, and which we are sorry they have not imitated upon more recent occasions, resolved to re-elect their old member, whose integrity they had tried, and whose attachment to the cause of liberty was not to be shaken. Without solicitation, therefore, or expense, and even without his own acquiescence, Sir Thomas was again deputed the assertor of their rights in Parliament. The court candidate, in whose favour every exertion of influence had been made without success, had recourse to the stratagem so frequently practised before the establishment of the Grenville Act, of petitioning Parliament, and procuring himself to be voted into his seat by the strength of the minister in the House. This petition was accordingly brought to hearing, and Sir Thomas Webster, who had been elected by a considerable majority, without expense or solicitation, and even without his knowledge or consent; was voted *guilty of bribery and corruption*, and his courtly opponent voted into his seat.

We are sorry not to be able to trace the conduct of these electors by similar acts of patriotic fortitude down to the present moment. One instance

indeed occurs of a choice, that reflects equal honour on the constituents and representative. Sir Robert Smyth, bart., was stopped in his carriage, as he was passing through this town, at the general election in 1780, and elected by a very respectable majority, out of the same respect to his private and public virtues, they had before shewn in their affection for Sir Thomas Webster. They however tarnished the applause so liberally obtained, by suffering the same gentleman, at the subsequent election in 1784, after an independence and integrity of conduct, which ought to have endeared him to his constituents as it has done to his country, not only to be put to an immoderate expense, but to be obliged to apply to a committee of the House of Commons, to recognise his claim to that seat to which their undue return of his opponent, Mr. Potter, compelled him.

It is remarkable, that of four violent contests which have happened in this borough, that of Alexander Fordyce, esq., against Mr. Gray and Mr. Rebow, in 1768; the second, of the same gentleman and Robert Mayne, esq., in 1780, against Sir Robert Smyth and Mr. Rebow; the third in 1781, between Christopher Potter, esq., and Sir Edmund Affleck; and the fourth in 1812, between Mr. Thornton and Mr. Harvey. Mr. Fordyce, Mr. Mayne, Mr. Potter, and the father of Mr. Harvey, the unsuccessful candidates, all appeared in the list of bankrupts within a very short time of their respective defeats, and the ruinous expenses of a Colchester contest was supposed to have contributed, in no small degree to their misfortunes.

Mr. Thornton has also found it necessary to leave the country.

The influence under which this town has the misery to labour, in common with most others, although in different degrees, is that of the corporation, who possess the absurd power of making foreigners, by which it is understood, *non residents*, and others, who have no natural or legal claim to such a right, freemen of the said borough. This will always enable them to *manufacture* a majority in favour of any candidate whose interest they may choose to espouse.

Such numbers of the freemen are dispersed all over the kingdom, that the expense of conveying them to the place of election is ruinous to all the candidates. We have known one hundred and twenty-five pounds charged for conveying two voters from a remote part of England in a chaise and four to vote at a Colchester election.

MALDEN.

MALDEN or MALDON, a borough and market-town in the hundred of Dengy, Essex, 8 miles from Chelmsford, and 37 from London; pleasantly situated on the river Blackwater. It is thought by some antiquaries to have been the ancient *Camblodunum*, the first Roman colony in Britain. The town consists of one principal street near a mile long, with another something smaller, from which run a number of back lanes. It contains 439 houses and 2,358 inhabitants, viz. 1,141

males, and 1,217 females, of whom 309 were returned as being employed in various trades.

REPRESENTATIVE HISTORY.

This borough first sent members to Parliament in the second of Edward the Third, and was incorporated in 1554.

Feb. 7, 1588. A report being made that Wm. Vernon, gentleman, returned a burgess for this borough, is sick and unable to attend his Parliamentary duty, a warrant for a new writ was issued for choosing another burgess in his stead.

April 27, 1660. Mr. Turner reported upon the double return for this borough of Henry Mildmay, and Edward Harris, esqrs., and that the former ought to sit till the merits of the said election is determined; to which the House agreed.

May 14. Mr. Turner again reported, That in the opinion of the committee, relative to the above double return, the election is a void election; to which the House agreed.

May 19, 1678. A petition of John Lamot Honeywood, esq., against the return of Sir John Brampton.

No determination.

Dec. 13, 1693. A petition of Richard Hutchinson, esq., against the return of Sir Eliab Harvey, by illegal means of making freemen on the part of the bailiffs.

— 23. A petition of several of the inhabitants and freemen of this borough to the same effect.

Resolved, "That Sir Eliab Harvey is duly

elected a burgess for this borough, to which the House agreed."

Dec. 23, 1698. A petition of William Flytche, esq., against the return of Irby Montague, esq., by means of many legal votes for the petitioner being refused.

Nov. 16, 1699. A petition from the same to the same effect.

No determination.

Jan. 3, 1701. A petition of Irby Montague, esq., against the return of John Comyns, esq., by the arbitrary conduct of the bailiffs and the town-clerk in refusing to poll thirty persons for the petitioner, and by bribery, threats, treats, &c.

—27th, Resolved: "That John Comyns, esq. is duly elected a burgess for this borough."

Resolved: "That it appearing to the House, that William Coe, agent to Irby Montague, esq., has been guilty of bribery and corrupt practices, in endeavouring to procure a burgess to be elected for this said borough."

Ordered: "That the said William Coe, be taken into the custody of the sergeant at arms."

March 26, 1715. A petition of Sir William Jolliffe, knt., and Samuel Tufnell, esq., against the return of Mr. Sergeant Comyns and Mr. Bramston, by means of the bailiff's refusing to poll several votes for the petitioners, also representing that the said Mr. Sergeant Comyns, wilfully refused to take the oath directed by an act in the ninth of the late Queen, "for securing the freedom of Parliaments and qualifying members to sit in the House of Commons."

Resolved: "That John Comyns, sergeant at law, having wilfully refused to take the oath of qualification prescribed by the act of the 9th of the late queen, for "securing the freedom of Parliaments, &c., &c.," though duly required so to do, his election is thereby void."

May 20. Resolved: "That Thomas Bramston and Samuel Tuffnell, esqrs., are duly elected burgesses to serve in this present Parliament for this borough."

Oct. 18, 1722. A petition of Henry Parsons, esq., against the return of Mr. Comyns and Mr. Bramston, by means of the partiality of the bailiffs, and other corrupt and illegal means.

Jan. 10, 1723. A petition from the same to the same effect.

No determination.

Parl. 14. Dirgue Billers, Lord Waltham of the kingdom of Ireland, petitioned, renewed 2nd sess., then withdrawn.

December 6, 1802, certain electors petitioned against the election of John Holden Strutt and Charles C. Western, esqrs. The petition was renewed November 28, 1803. The petitioners brought forward no evidence in support of their petition, which was determined by the committee to be frivolous and vexatious, and the sitting members were reported to be duly elected Feb. 16, 1804.

Peckwell,
vol. ii.,
p. 255.

In 1806, Charles Callis Western, esq., and several of the freemen, petitioned against the return of Benjamin Gaskill, esq., and the committee who tried the election reported to the House

that Benjamin Gaskill, esq., was not duly elected, and that Charles Callis Western, esq., was duly elected.—Feb. 2, 1807.

BOROUGH ENGLISH.

There is a custom in this place, that when a man dies intestate, his lands and tenements descend to his youngest son; or, if he dies without issue, to his youngest brother. This custom is termed *Borough English*, and is said to have arisen from the lewdness and tyranny of the ancient feudal lords, who, when any of those who held under them married, claimed the first night with the bride: as some doubt, therefore, naturally arose, whether the first-born child was legitimate, this custom was established to exclude such child from the inheritance, and the youngest was preferred, as being the most distant from suspicion.

PENSION.

In the pension list of Charles the Second, Sir Richard Wiseman, one of the members for Malden, had a pension of £1,000 per annum, and was keeper of one of the treasurer's parliamentary tables.

CORPORATION.

This borough was incorporated by Queen Mary, and had two bailiffs, six aldermen, and eighteen common council or chief burgesses, and continued to exercise their corporate privileges till the 4th of the present king, when an information in the nature of *quo warranto* was filed

against them at the instance of the late Bamber Gascoigne, esq., for various illegal practices; the consequence of which was that judgment of ouster was issued against a majority of the corporation, and the charter became thereby annihilated.

The town remained forty-six years without a charter, during which time the high sheriff for the county of Essex acted as returning officer for this borough, and the members were chosen by such freemen only, as had been sworn in under the defunct charter, whose number was reduced, at the general election in 1807, to fifty-eight, and those so old and infirm that the borough was in danger of speedily becoming extinct, as well as the charter.

The town becoming seriously alarmed at the approaching dissolution of their political rights, and there being at that time upwards of eight hundred freemen who had attained that privilege since the forfeiture of the charter in 1764, by birth, marriage, or apprenticeship, but who could not be admitted, or sworn in, for want of a chief magistrate, and a competent power to enrol them and administer the oath. These eight hundred freemen continued *ipso facto* disfranchised till 1810, when the new charter was obtained during the present reign at an expense, as we understand, of about two thousand five hundred pounds.

The corporation, under this new charter, consists of a mayor, recorder, six aldermen, and eighteen chief burgesses, a water-bailiff, and a town clerk.

The first act of the corporation was to admit and swear in all those freemen who were entitled to that franchise, and who had for so many years been deprived of their right.

RIGHT OF ELECTION.

January 27, 1701. The committee resolved, "That the right of election for this borough is in such Freemen only as do not receive alms, and are entitled to freedom, by birth, marriage, or servitude."

This resolution, with two others, declaring that Freemen by purchase, and Honorary Freemen, had no right to vote, were all negatived by the House.

The right of voting is therefore understood to be in all the Freemen without exception.

NUMBER OF VOTERS—800.

RETURNING OFFICER—the Mayor.

PATRON—Joseph Holden Strutt, esq., one member.

POLITICAL CHARACTER.

This borough has had one seat contested between Charles Callis Western, esq., the present member for Essex, and Benjamin Gaskell, esq., one of the present representatives for this place, from the general election in 1806 to that in 1812. The contest between these gentlemen was for the representation at the time that a few old freemen, existing under the old charter monopolized the right of election. The contest was generally decided by a single vote, and produced a petition,

which was always decided in favour of Mr. Western. Since the whole body of freemen have been admitted, under the operation of the new charter, they have all declared for Mr. Gaskell, who was chosen with Mr. Strutt, in 1812.

The influence of Mr. Strutt is accounted for, by his having all the government patronage connected with the borough of Malden.

HARWICH.

HARWICH, a sea-port, borough, and market-town, in the parish of Dover court, and hundred of Tendring, Essex, $11\frac{1}{2}$ miles from Manningtree, and $72\frac{1}{2}$ from London; containing 487 houses, and 2,761 inhabitants, of whom 322 were returned as employed in various trades. It has a good maritime trade; but the chief support of the town are the Dutch packet-boats. During war time there has been usually a great intercourse between Harwich and the neutral ports on the continent.

REPRESENTATIVE HISTORY.

This borough, situate in the county of Essex, which derives its name from the Saxon word *Harewic*, a haven, or bay, has no great claim to antiquity. It, however, sent members to Parliament as early as the 17th of Edward the Third, when it discontinued, till it was restored by James the First *anno regni* 12, who incorporated it in 1604.

March 27, 1690. A petition of Sir Philip

Parker, bart., against the return of Lord Viscount Chene, by means of indirect practices used by the mayor to prevent the petitioner's election.

No determination.

Dec. 18, 1708. A petition of Sir Thomas Davall, knight, against the return of Kendrick Edisbury, esq., by means of the mayor (and brother-in-law to Mr. Edisbury) giving his vote, thereby making the votes equal, whereas the said mayor had no right to vote except where the numbers were previously equal.

Jan. 13, 1709. Resolved, "That Sir Thomas Davall, knight, and Kendrick Edisbury, esq., are neither of them duly elected."—And,

Resolved: "That the said election is a void one, as it appears to the House that there was an equality of votes: viz.

"For Sir Thomas Davall 16

"For R. Edisbury 15 } .. 16."
 "And the Mayor .. 1 }

March 6, 1713. A petition of Carew Hervy Mildmay, esq., against the return of Thomas Heath, esq., by means of many undue practices.

A petition of Thomas Heath, esq., complaining of a double return for this borough, and touching the right of election.

June 29. Resolved: "That Thomas Heath, esq., is not duly elected to serve for this borough."

"That Benedict Leonard Calvert, esq., is duly elected a burgess to serve for this borough.

Parl. 2. James Adams, esq., petitioned. The chairman of the committee found that the peti-

tioner was duly elected, and ought to have been returned, and that Thomas Myers, esq., was not duly elected, and ought not to have been returned. April 7, 1803. The return was accordingly amended. The opposition of Mr. Myers to the petition was neither frivolous nor vexatious.

CORPORATION.

This town was first made a borough, and incorporated, in the reign of Edw. II., by Thomas Brotherton, Earl of Norfolk, and Marshal of England. It received a new charter in the time of James I., by the interest of the learned and celebrated Edward Coke, the attorney-general, and afterwards recorder of this town. This charter, and all other immunities belonging to the town, were, through the mediation of Sir Harbottle Grimstone, their recorder at that time, and master of the rolls, confirmed by Charles II. The corporation at present consists of a mayor, chosen annually on St. Andrew's day, out of eight aldermen. There is also a recorder and twenty-four capital burgesses. The mayor has the power of keeping admiralty courts, which have a jurisdiction over all naval affairs.

RIGHT OF ELECTION.

April 6, 1714. Resolved: "That the right of election to serve in Parliament for the borough of Harwich, in the county of Essex, is in the Mayor, Aldermen, and Capital Burgesses, or Headboroughs, of the said borough, residing within the said borough.

NUMBER OF VOTERS—32.

RETURNING OFFICER—the Mayor.

PATRON—the Treasury.

PENSION.

In the pension list of Charles II. it appeared that Thomas King, esq., a member for Harwich, had a pension of £50 a session, besides meat, drink, and now and then a suit of clothes.

POLITICAL CHARACTER.

Harwich having always been a treasury borough, the corporation have come in for their share of the loaves and fishes, most of them and their families being amply saddled upon the public.

The celebrated John Robinson, Secretary to the Treasury, represented the thirty-two electors of this immaculate corporation in seven parliaments. Charles Jenkinson, Thomas Bradshaw, the Right Hon. Thomas Orde, John Hiley Adington, William Henry Freemantle, William Huskisson, esqrs., and the Right Hon. Nicholas Vansittart, all treasury secretaries, have represented this borough in the present reign !

It would be a great saving to the country if the clerks of the treasury were authorised to perform the ceremonies necessary at these elections, instead of pensioning so many corporations, at such a distance from London, to act the farce of choosing members of Parliament. The borough of Seaford, which was a treasury borough till 1782, cost the country nine thousand pounds a year in places and

pensions, while it continued to return treasury members; but the right of voting at that place being extended, in 1786, to all the inhabitants paying scot and lot; and the corporation, which consisted mostly of non-resident freemen, having been determined, 1792, to have no right of voting in that borough, the treasury interest became annihilated there, and the public was eased of great part of that burthen.

The boroughs of Rye, in Sussex; Queenborough and Sandwich, in Kent; Dartmouth, in Devonshire, and several others, will demonstrate the importance of a vote in a treasury borough.

COUNTY OF GLOUCESTER.

GLOUCESTERSHIRE, a county of England, in the province of Canterbury and diocese of Gloucester, is bounded on the north by Worcestershire and Warwickshire; on the east by Warwick, Oxford, and Wilts; on the south by Somerset; and on the west by the Severn, Monmouth, and Herefordshire: it is about 65 miles long, and 25 broad; comprising 800,000 acres of land, of which about 300,000 are arable, and 450,000 pasturage. It is divided into 27 hundreds, viz. Berkely, Bisle, Blidesloe, Botloe, Bradley, St. Briavells, Brightwell, Barrow, Cheltenham, Cleeve, Crow-

thorn, Deerhurst, Dudstone and Kingsbarton, Grimbalds Ash, Henbury Kiftsgate, Duchy of Lancaster, Langley and Swineshead, Longtrees, Puckle Church, Rapsgate, Slaughter, Tewkesbury, Thornbury, Tibaldstone, Westbury, Westminster, and Whitestone; containing one city, Gloucester; two boroughs, Cirencester and Tewkesbury; and twenty-three market-towns, viz. Berkley, Campden, Cheltenham, Colford, Dean, Dursley, Fairford, Lechlade, Marshfield, Minchin-hampton, Morton in Marsh, Newent, Northleach, Painswick, Sodbury, Stanley, Stowe, Stroud, Tetbury, Thornbury, Wickwar, Winchcomb, and Wotton under Edge. The county contains 280 parishes and 46,157 houses, inhabited by 250,809 persons, of whom 49,645, viz. 117,180 males and 133,629 females, were returned as being employed in trade, manufacture, or handicraft, and 49,420 in agriculture. The marks of ancient camps are to be traced in various parts of this county; and the Fosseway runs through it from Campden by Cirencester to Bath. The ancient inhabitants of this county were the *Dobuni*: under the Saxons it formed part of the kingdom of Murcia. It now sends eight members to Parliament. The amount of money raised in the county for the maintenance of the poor in 1803, was 144,565*l.* being at the rate of 3*s.* 5*d.* in the pound; the amount of income returned under the property tax in 1806, 2,130,526*l.*; and the scale of mortality appears to have been, on an average of ten years, as 1 to 50; one-third of the actual population.

REPRESENTATIVE HISTORY.

This county has been represented in Parliament from the first summons of Edward I.

A MEMBER CHOSEN WITHOUT HIS CONSENT.

It is so far unnecessary to be a candidate in order to be a member, that a person may be chosen and returned without either his knowledge or consent. This is proved by a circumstance which happened at an election for this county, as reported by Glanville.

The committee and the House determined, April 9, 1624, "That Sir Thomas Estcourt having
" a majority of votes on the poll, was duly elected
" and returned, *although he had declared at the*
" *election that he desired not to be chosen.*"

April 17, 1640. Mr. Jones reported from the Committee of Privileges touching the election of Sir Robert Tracey,

" That they found many misdemeanors in the said election, and were therefore of opinion that Sir Humphrey Tracey, sheriff of the county of Gloucester, should be sent for as a delinquent by the sergeant at arms;" which order was afterwards respited, on the undertaking of Mr. George for the appearance of Sir Humphrey.

April 19, 1662. Mr. Milward reported from the committee, " that Sir Baynham Throckmorton and Mr. Howard were duly elected;" to which the House agreed.

Jan. 8, 1695. A petition of Sir John Guise, bart., against the return of Thomas Stevens, esq., by means of the illegal partiality on the part of the

high sheriff, and continuing the poll very irregularly by adjournments.

No report appears upon the said petition.

Oct. 24, 1702. A petition of Sir John Guise against the return of John Howe, esq., by means of many undue and illegal practices.

Resolved: "That John How, esq., is duly elected a knight of the shire to serve in the present Parliament for this county."

June, 1776. The Hon. George Berkeley and a number of the freeholders petitioned against the election of William B. Chester, esq. and the partiality shewn by the high sheriff of the county.

Luders,
v. ii. p. 485.

This case, tried in the beginning of 1777, first suggested the usefulness of new regulations of the land-tax assessments. It appeared to that committee that the owners of many estates paid no land-tax directly. Small estates, carried out of larger, had been purchased free from land-tax; *i. e.* the owner of the principal estate paid the tax for the whole after its dismemberment, and was rated for it. In the course of a few years it often became difficult for the owner of the parcel to prove that his land was assessed or paid for.

Ibid. p. 517.

There were three voters of the name of John Ballanger, of the same place, and the committee resolved, "That, as several John Ballangers appear on the poll, the evidence shall be confined to John Ballanger who polled on the first day."

The committee, after sitting *three months* declared the sitting member duly elected, and "that they saw no cause to impeach the conduct of the high sheriff.

POLITICAL CHARACTER.

The predominant influence in this county has for a century been possessed by the Duke of Beaufort and the Earl of Berkeley. There was an expensive contest in 1776, upon Mr. Southwell succeeding to the ancient title of Lord de Clifford, in which the numbers on the poll were nearly equal, and a petition followed, which occupied a committee of the House of Commons three months, to determine its merits, but it was only a contest between these two noblemen for parliamentary patronage.

On the death of Mr. Chester, there was a similar contest between Mr. Dutton, now Lord Sherborne, and Admiral Berkeley, in which the Duke of Beaufort's interest again prevailed.

On Mr. Dutton becoming a peer, in 1784, a coalition took place between these two noblemen, and each nominated a member for six-and-twenty years, till a vacancy was occasioned by the Earl of Berkeley's son being presumed the heir to his father's peerage, when the independent spirit of the county burst forth like the sun from the obscurity of a malignant cloud, and after a long and spirited contest, defeated the aristocratical coalition by a majority of near six hundred votes.

The candidates upon this occasion were the Hon. Mr. Dutton, son of Lord Sherborne, supported by the coalesced lords and all the nobility of this and the neighbouring counties, and Sir Berkeley William Guise, bart., brought forward by the whole independent interest of the county; the

Duke of Norfolk being the only nobleman who gave the weight of his influence to this patriotic exertion. It has been expected that a further effort would be made to establish the freedom of choice in this extensive county, but the gentlemen and yeomanry seem satisfied with the partial triumph they have obtained; and the Duke of Beaufort continuing to nominate one of their members, of opposite political principles to Sir B. W. Guise, the county, by the contending interests of their representatives is left without a voice in the concerns of the nation.

The noblemen who reside in this county are, the Duke of Beaufort, Earl of Berkeley, Earl Bathurst, Lord de Clifford, Lord Eliot, Lord Sherborne, and Lord Redesdale.

GLOUCESTER—CITY.

GLOUCESTER, a city, and the metropolis of Gloucestershire, situated on the east bank of the river Severn, in the hundred of Dudston and Barton Regis, eight miles from Tewkesbury, and 106 from London; containing 10 parishes, 1,325 houses, and 7,579 inhabitants, viz. 3,428 males and 4,151 females, of whom 2,317 were returned as being employed in trade and manufactures, particularly those of pin-making, woolstapling, rope-making, and malting; the value of the pins sent weekly to London is estimated at 20,000*l*. Some Parliaments were held here, and here Henry III. was crowned. At present it is a pretty large, but not

a populous place, consisting principally of four spacious streets, meeting each other at right angles, near the centre of the city, and taking their names from the situation of the gate which originally stood at the bottom of each, as East Gate-street, West Gate-street, North Gate-street, and South Gate-street; there are also some back streets and lanes, chiefly on the west side of the city. Where the four main streets meet, formerly stood a lofty and beautiful cross; but this building falling to decay, and being also an impediment to the free passage of carriages, it was removed in 1750, when the city underwent several material improvements; the spot where the cross stood still retains the name. The city is well paved, and from its elevated situation, with a gradual descent on every side, bears a remarkably clean appearance: it contains, besides the cathedral, five parish churches; two commodious market-houses; an elegant theatre, recently built; a custom-house and a county gaol, erected after the plan of the late benevolent Mr. Howard. A canal has lately been made from this city to Berkeley, capable of conveying vessels of 200 tons burthen, by which the difficult navigation of the Severn is avoided. At the head of this canal, close to the back of the city, is a capacious basin, fit for the reception of 100 vessels. The election is carried on in the Booth-hall, a curious old structure in an inn-yard, built in 1606. The inhabitants of Gloucester are supplied with water from two large reservoirs at the foot of Robin Hood hill, about a mile and a half distant from the city, whence it is conveyed by means of pipes

to the houses in the city. The city has three large suburbs, and its boundaries are nearly three miles in circumference ; it has several times suffered severely by fire, and in 1750 received material damage from a violent rain. The annual average of burials, as registered for 10 years, is about 180, bearing a proportion to the population of 1 in 42. This town was made a borough by King John, and a corporation by Henry III. In 1272, Edward I. held a parliament here, at which several useful laws were enacted, now called the *Statutes of Gloucester*. Richard II. also held a parliament here, and Richard III., who bore the title of Duke of Gloucester, gave the city his sword and cap of maintenance, and made it a county of itself, with jurisdiction over the adjacent hundreds of Dudston and King's Barton : but these privileges were taken away by act of parliament after the Restoration, and the walls were razed to the ground, because the inhabitants had shut their gates against Charles I. Gloucester once contained 11 parish churches, but six were demolished during the siege in 1643, and never rebuilt.

REPRESENTATIVE HISTORY.

It has returned burgesses from the 23rd of Edward the First.

Dec. 2, 1640. Mr. Speaker informed the House, that at the election of burgesses for this city, he was nominated one, and the poll was demanded accordingly, but refused, and it was referred to the Committee of Privileges. But

No report appears.

Dec. 1675. A petition against the return of Colonel Norwood, but by whom does not appear.

March 7, 1677. Sir Thomas Meers reported, upon the above case, that the committee had

Resolved: "That Colonel Norwood is duly elected to serve as a citizen for this city;" which being read twice, was agreed to by the House.

April 3, 1690. A petition of the mayor, aldermen, and freemen of the city, against the election of William Trye, esq., one of the members then returned, on the ground of his not being a freeman of the town, according to their ancient rights and customs.

No report appears upon this petition.

Jan. 11, 1709. A petition of William Trye, esq., against the return of Francis Wyndham, esq.

No determination.

March 30, 1715. A petition of Francis Wyndham, esq., against the return of John Snell, esq., by means of bribery.

A petition of the citizens and freemen of the corporation of this city against the return of John Snell and Charles Cox, esqrs., by means of bribery, &c.

Oct. 18, 1722. A petition of Sir Edward Fust, bart., against the return of John Snell, esq., by means of menaces, bribery, and other corrupt practices, and also complaining of a scrutiny being refused petitioner.

Jan. 20, 1723. A petition of the same to the same effect.

No determination upon these petitions.

Parl. 9. Benjamin Hyett, esq., petitioned.

CORPORATION.

According to Sir Robert Atkins' History of Gloucestershire, this city was incorporated by Henry III., when he was crowned there. It was then governed by a mayor, aldermen, &c. But the inhabitants resigning their charter, in 1672, to Charles II., he granted them another in the 24th of his reign, by which the city and county is governed by a steward, mayor, 12 aldermen, a recorder, two sheriffs, 40 common council, a town-clerk, a sword-bearer, and four sergeants at mace. For the better regulating the trade of the city, there are 12 companies, whose masters attend the mayor in their gowns on all public occasions: these are the mercers, in which are included the apothecaries, grocers, and chandlers; the weavers, the tanners, the butchers, the bakers, the smiths and hammer-men, among whom are the goldsmiths, ironmongers, coopers, and joiners; the shoemakers, metal-men, taylors, barbers, and glovers.

RIGHT OF ELECTION

In the Freemen.

NUMBER OF VOTERS—3,000.

RETURNING OFFICERS—the Sheriffs.

PATRON—Duke of Norfolk, one member.

POLITICAL CHARACTER.

This city has had but two remarkable contests for many years. The first was upon the death of Sir Charles Barrow in 1789, when their present member, Henry Howard Molineux, esq., and the

late John Pitt, of this city, esq., were candidates. Voters were brought from all parts of the kingdom, and not a single freeman that could be found was left unpolled. After the contest had lasted fifteen days, and more than 3000 electors had polled, Mr. Pitt succeeded by a majority of *one vote*. Mr. Howard Molineux was chosen the other member in 1790.

The next contest was on the death of Mr. Pitt, when the Duke of Beaufort attempted to establish an interest in the city of Gloucester similar to that which prevails in the county. Lord Arthur Somerset was proposed by his Grace, and opposed by Robert Morris, esq., a banker of this place, who succeeded by a very great majority.

The corporation are in the interest of the Duke of Norfolk, who is an alderman and high steward of Gloucester, and has nominated one member ever since the year 1790.

CIRENCESTER.

CIRENCESTER, or CICESTER, is a borough and market-town in the hundred of Crowthorne, Gloucester, 16 miles from Gloucester, and 88 from London; containing 837 houses, and 4,130 inhabitants, being 1,836 males and 2,294 females, of whom 940 were returned as being employed in trade and manufacture, chiefly that of wool-stapling and heavy edge tools. It is situated near the borders of Wilts, at the meeting of the Foss-way, Irmin-street, and Icknild-street, and is supposed

to have derived its name from *Lissa*, a Saxon, and *Cestre*. It had a castle in the time of the Romans, and was the Corinium of Ptolemy, and the Durocornovium of Antonine; but the castle was destroyed by Henry III. It was a place of much greater note formerly, and had an abbey, built by the Saxons, part of the ruins of which are still remaining. It was formerly two miles in circumference, but was reduced by the barons in the civil wars.

REPRESENTATIVE HISTORY.

It does not appear to have returned members before the 13th of Queen Elizabeth.

May 21, 1624. Mr. Glanville reported from the Committee of Privileges against Sir William Masters, returned, and Sir Maurice Berkeley, unduly elected. After a full hearing, four points were resolved upon:

1st. That no consent of parties, competitors, can alter the legal course of election.

2d. Bird cleared from any undue course.

3rd. Where no custom, or charter, to the contrary, the election to be made by all the householders.

4th. Sir William Masters duly elected. The said Sir William Masters had the greater number of inhabitants and freeholders.

Bird, being sheriff of this county, and being present, and used by the bailiff as his clerk, this thought no misdemeanor, nor he any intruder.

Upon the question, no consent of any competitor, in any election, can alter the legal course of election.

For Bird, the House resolved to leave him, and neither clear him nor censure him.

Upon a second question, in a borough not being a corporation, there being no free burgesses, nor charter, nor custom for election, the election to be made by the householders, and not by freeholders only.

Upon a third question, Sir William Masters duly elected and returned.

PETITIONS, &c. July 18, 1680. Sir Edward Turner reported, that in the opinion of the Committee of Privileges, — Powell, esq. ought to sit; to which the House agreed.

Jan. 10, 1670. A petition of Sir Robert Atkins, knt. against the return of Henry Prowle, esq.

Resolved: "That Henry Prowle, esq. is duly elected."

May 23, 1685. A petition of Henry Prowle, esq., touching the election for this borough.

No determination.

March 24, 1689. A petition of John How, esq. against the return of Henry Prowle and Richard How, esq., by means of undue practices.

Oct. 1690. Same petition renewed.

Nov. 8. The question was put, that Henry Prowle is duly elected for this borough: it passed in the negative.

Resolved: "That Richard How and John How, esqrs. are duly elected burgesses to serve in this Parliament for this borough.

Ordered: "That the clerk of the crown do attend, to amend the return for this borough."

Dec. 5, 1695. A petition of Henry Ireton, esq., against the return of John and Richard How, esqrs., by means of threats, promises, and divers other corrupt practices.

No determination.

Jan. 5, 1701. A petition of Henry Ireton, esq., against the return of William Master and Charles Cox, esqrs., by means of bribery.

Nov. 3, 1705. A petition of Charles Cox, esq., against the return of Henry Ireton, esq., by means of bribery and other undue means, and also by force preventing many voters from polling for the petitioner.

Nov. 15. Both petitions withdrawn. Ordered: "The return of Mr. Cox to be taken off the file."

Nov. 27, 1708. A petition of several of the inhabitants of this borough against the return of Charles Cox and Allen Bathurst, esqrs., by means of notorious bribery and other undue practices.

Dec. 8, 1709. Resolved: "That the inhabitants of the Abbey, the Emery, and Spiringate-lane, not receiving alms, have a right to vote, on electing members to serve in Parliament for this borough."

"That Allen Bathurst and Charles Cox, esqrs. are not duly elected burgesses to serve in this present Parliament for this borough."

"That the late election of burgesses for this borough is a void election."

Resolved, May 21, 1724, "That the right of election is in all the Inhabitants, Householders. N. B. It was resolved in this case, that where there is no custom, or charter, for the election, there the Inhabitants, Householders, ought to elect."

Parl. 13. Samuel Blackwell, esq. petitioned; renewed 2d session; but withdrawn March 12, 1770.

Parl. 17. Robert Preston, esq. petitioned; renewed 2d session; when, after a long trial, the chairman of the committee appointed to try this contested election on the 9th May, 1792, reported, that the petitioner was duly elected, and ought to have been returned, and that Richard Masters, esq. was not duly elected, and ought not to have been returned; that the petition and opposition to it were not frivolous.

Parl. 18. Thomas Blake Howell, esq. petitioned, and a day was appointed to try the same, but he not giving in his recognizance according to law, the order for trying it was discharged.

RIGHT OF ELECTION.

Nov. 4, 1690. Resolved: "That the inhabitants of the borough of Cirencester, being inmates, have no right to vote in electing burgesses to serve in Parliament.

Mr. Douglas delivered in a statement of the right of election as follows:

"The counsel for the petitioner state, that,
"according to divers determinations made in the
"House of Commons, on the 21st of May, 1624,
"the 4th of November, 1690, and the 8th of
"December, 1709; and the true intent and
"meaning of the said determinations, as well as
"by constant usage, the right of election in
"the borough of Cirencester, in the county of
"Gloucester, *is in the Inhabitants, Householders,*

*“legally settled: that Inmates have no right to
 “vote for the said borough, nor Inhabitants of
 “the Abbey, and Emery, and Spiringate-lane;
 “which was admitted by the sitting members.
 “March 5, 1792.”*

NUMBER OF VOTERS—600.

RETURNING OFFICERS—the Steward and Bailiff to the Lord of the Manor.

PATRON—Earl Bathurst.

POLITICAL CHARACTER.

Earl Bathurst, who lives at Oakley Park, close to this town, and his ancestors, have returned one of the members for above a century. At the last election, he succeeded in obtaining both, but it is very doubtful whether he will be able to preserve that influence. Mr. Cripps, who opposed his lordship's interest, having lost the return by a very few votes.

Lord Bathurst is lord of the manor, and appoints, at his court-leet, a steward and a bailiff, who are returning officers.

This town was incorporated by Henry IV., and the commonalty chose a mayor and two constables annually; but this charter was cancelled or lost in the time of Elizabeth.

In the Barons' wars against Henry III. the castle here had a garrison put in it by them; but the king soon recovered it, and caused it to be demolished. In the reign of Henry IV. Thomas Holland, Duke of Surrey, the Earl of Salisbury, and other noblemen, retreating to Cirencester, and lodging in an inn, the bailiff of the town and

townsmen assaulted the house, slew them, and sent their heads to London. For this service Henry granted the inhabitants all the goods of the said noblemen and their adherents, except money, plate and jewels. He also granted to the men four does in the season, six bucks to the women, and one hogshead of wine from Bristol. He likewise made the town a court of staple for merchandize, in consequence whereof it became a corporation. It did not, however, return members to Parliament before the 12th of Elizabeth. In the year 1668, Earl Cholmondeley (a Roman Catholic peer,) was murdered in the streets, for his adherence to absolute monarchy.

TEWKESBURY.

TEWKESBURY, a borough, and market town, in the hundred of the same name, on the banks of the Severn, near its junction with the Avon, 9 miles from Cheltenham, and 104 from London; containing 859 houses and 4,199 inhabitants; of whom 1,334 were employed in trade and manufacture, principally in those of stocking-knitting, framework, nails, and the manufacture of mustard and malting. The church is a Gothic structure, and one of the largest and most magnificent in England; it formerly belonged to the Mitred Abbey, founded here in the 8th century; it is built in the form of a cross, vaulted at top with stone, and supported by two rows of large round pillars. It is 300 feet long, and the great cross aisle, 120 feet;

in the chancel are seven large painted windows, and it contains many splendid monuments, some of them very ancient; here lies Edward Prince of Wales, son of Henry VI. and George Duke of Clarence, brother to Edward IV.

This place is famous for the bloody battle fought here between the two houses of York and Lancaster, when Edward IV. entirely defeated Henry VI., taking the queen, Prince Edward, and many of the nobility who sided with Henry, prisoners. The young prince, who was but eighteen years of age, being brought into the king's tent, appeared before him with an undaunted countenance; and Edward asking him, how he came to be so rash as thus to enter his kingdom in arms? he bravely replied, "That he came to recover his own inheritance, which had unjustly been usurped." On which the king, instead of admiring his intrepidity, struck him on the mouth with his gauntlet, and turning from him withdrew, when the Dukes of Clarence and Gloucester, the king's brothers, the Earl of Dorset, and the Lord Hastings, stepped up to the young prince, and barbarously stabbed him with their daggers.

REPRESENTATIVE HISTORY.

This borough was empowered by King James the First, by charter in the 7th of his reign, to send burgesses to Parliament.

Nov. 9, 1640, Mr. Maynard reported from the committee upon the double return of Sir Robert Cook and Mr. Stevens by one indenture, and Mr. Craven and Sir Edward Alford by another inden-

ture, conceiving it unfit that all these four persons should sit till the election be determined, and also reports in the opinion of the committee that the bailiff of Tewkesbury should be sent for, as a delinquent for his conduct in such double return.

Resolved by the House accordingly: "That Sir Robert Cook, Mr. Stevens, Mr. Craven, and Sir Edward Alford, do forbear to sit;" also

Resolved: "That Mr. Thomas Hall, the bailiff of this borough be sent for by the sergeant at arms, as a delinquent."

Resolved: "That *plebe moderno*, bailiffs, do not appear as yet to have committed any misdemeanor: therefore not to be sent for."

Nov. 20th, Sir Edward Alford is not to make his choice for which place he will serve, till the election for this borough and Arundel be determined.

Aug. 6, 1641. Resolved: "That the election for this borough is totally void, and a new writ ordered for the election of two burgesses for this borough."

Dec. 2, 1695. A petition of Sir Richard Cox, bart., against the return of Sir Francis Winnington, by means of threatening those who had voted for the petitioner, to turn them out of their houses, unless they withdrew their votes, and also detaining the town book, with other undue practices.

No determination appears upon this singular conduct.

July 3, 1714. A petition of Edward Popham, esq., against the return of Anthony Lechmere, esq.

No determination appears.

Nov. 6, 1621. A petition of George Read, esq., against the return of Lord Viscount Gage, by means of the bailiffs refusing many legal votes for the petitioner, and permitting great tumults and disorders, which they the said bailiffs refused to quell, thereby preventing many other voters from polling for the petitioner.

No determination appears.

In 1754, Thomas Lord Viscount Gage, of the kingdom of Ireland, and his son, the Honourable Lieutenant Colonel Gage, petitioned: the former died, and the latter requested leave to withdraw his petition, which the House granted, January, 1755.

Peckwell.
v. i. p. 146.

Peter Moore, and Philip Francis, esqrs., petitioned against the election of James Martin, and William Dowdeswell, esqrs., October 12, 1796. The committee who tried this case was chosen, February 20, 1797. The petitioners alleged that they were elected by a great majority of persons qualified by the constitution of the borough to vote; they also made a heavy complaint against the returning officers, which they abandoned on the first day of the trial, and which the committee reported to be frivolous and vexatious. On the 1st of March, the committee determined the sitting members to be duly elected.

CORPORATION.

Tewkesbury being reincorporated by James the First, it was then governed by 24 burgesses, from whom are annually chosen two bailiffs, who are the ruling magistrates, and have jurisdiction within

the borough, exclusive of the justices of the peace for the county.

RIGHT OF ELECTION

Is in the Freemen at large, and in all persons seized of an estate of freehold in an entire dwelling house within the ancient limits of the said borough—March 1, 1797.

NUMBER OF VOTERS—500.

RETURNING OFFICERS—the Bailiffs.

POLITICAL CHARACTER.

This town had the honour of being represented in nine Parliaments by James Martin, esq., of Overbury near this place. He was called the Andrew Marvel of his time; and it has been said of him, that, although he sat so many years in Parliament, he never gave a vote that cost his country a guinea or a tear. He was too honest to purchase a seat, or sell his vote. His grateful constituents returned him as long as he was able to attend his duty, without expense, and since his death they have elected his son. It was the pride and consolation of his life that he had voted against every war the country had engaged in during his time, particularly that with America, in 1774. He connected himself with no party, but voted upon every question agreeably to the conscientious dictates of his own upright mind, except when he was instructed by his constituents, whose opinion he thought it his duty, most implicitly to obey, in conformity to the constitutional practice of the purest times.

He was offered by the minister a very lucrative share in the loan of 1783, but instead of suffering it to influence his parliamentary conduct, he communicated to the House the same afternoon the indignity he conceived to be offered to the independence of a British Senator.

Tewkesbury is not subject to the control of a patron, and we believe the electors are as free from improper influence as the defective state of our representation will admit.

HAMPSHIRE.

HAMPSHIRE, or the county of Southampton, is bounded on the north by Berkshire, on the east by Surry and Sussex, on the south by the English channel, and on the west by Dorsetshire and Wiltshire, being nearly square. It is about 42 miles long and 38 broad, and contains 1,112,000 acres of land exclusive of the Isle of Wight, having nearly 600,000 acres in a course of pasturage, and 300,000 acres arable. The county is divided into 10 divisions, viz. Alton north and south, Andover, Basingstoke, Fawley, Kingsclere, New Forest east and west, Portsdown and the Isle of Wight, which forms two liberties, called East and West Medina. These are subdivided into 39 small hundreds, having one city, Winchester, 20 towns, and 253 parishes. Eight of the towns, viz. Andover, Christchurch, Lymington, Petersfield, Portsmouth, Southamp-

ton, Stockbridge, and Whitchurch, send each two members to Parliament, which, together with six for the boroughs of Newport, Yarmouth, and Newton in the Isle of Wight, two for the county, and two for the city, make 26 members returned to Parliament by this county. Hampshire including the Isle of Wight, contains 58,345 houses, inhabited by 219,656 persons, viz. 105,667 males and 113,989 females, of whom 30,303 were returned as being employed in various trades, manufactories, and handicraft businesses, and 50,696 in agriculture. The principal forests are, the *New Forest*, East Bere, and Woolmer; the former stretching from Gods-hill to the sea, a distance of nearly 20 miles, and about 15 broad, containing about 92,000 acres of land. It has nine walks, as many keepers, a bow bearer, and a lord warden, and is divided into nine bailiwicks, and is well stocked with deer. The New Forest was so called, because it was added to the existing forests by William the Conqueror. There is an officer appointed to select the trees proper for the use of the royal navy. Alice Holt and Woolmer forests are situated on the borders of Surry and Sussex, bounded on one side by the river Wye, which is navigable to Godalming, about 10 miles from the middle of the forest, and affords an easy conveyance of timber to the river Thames. The forest of *Bére* lies on the south-east part of Hampshire, near Portsdown, within eight miles of Portsmouth; and contains about 16,000 acres. There are but few manufactures of any consequence, and those only of cloth, shalloons, and coarse woollens. The beautiful, fertile,

and pleasant Isle of Wight lies about one mile from the main land, being separated by a narrow channel, in shape something resembling a bird with expanded wings, and is about 13 miles long and 21 broad ; containing about 100,000 acres of land, of which four-fifths is arable, producing sufficient corn for the consumption of ten times its own population. Hampshire was anciently inhabited by the Regni and the Belgæ, by whom the city of Winchester is supposed to have been built; it lies in the province of Canterbury and diocese of Winchester. The total amount of the property-tax, as returned in 1806, was 2,105,561*l*. The amount of money raised for the maintenance of the poor, in 1803, was 183,429*l*., being at the rate of 4*s*. 11*d*. in the pound. The average of deaths for 10 years appears to have been as 1 to 47 of the existing population.

REPRESENTATIVE HISTORY.

This county has returned members to Parliament since 22 Edward I.

We do not find a single petition complaining of an **UNDUE ELECTION** in this county !!!

POLITICAL CHARACTER.

This county has, from its maritime situation, many ports, where a great number of custom-house officers, and others, under the immediate control of government, reside. The interest arising from this connexion, as well as from the dock-yard at Portsmouth, is so great, as to supersede aristocracy itself; and the administration for the time

being have generally the nomination of its members.

The only instance we remember of an election being carried against government in this county was that of Jervoise Clarke Jervoise, esq., in 1779, who was chosen in opposition to Sir Richard Worsley by a majority of six hundred and twenty-one votes.

The principal interests are those of the Marquis of Buckingham, Earl of Portsmouth, Earl of Carnarvon, Lord Bolton, Marquis of Winchester, Sir William Heathcote, Sir Thomas Miller, Sir Thomas Baring, Sir H. C. St. John Mildmay, Mr. Chute, Sir S. Jervoise; and in the Isle of Wight, Sir Leonard Holmes, Sir William Oglander, Sir John Barrington, Hon. Mr. Pelham, and Mr. Blachford.

CITY OF WINCHESTER.

WINCHESTER is a city of Hampshire, situated on the banks of the river Itchin, 17 miles from Basingstoke, 12 from Southampton, and 64 from London. It contains 791 houses and 5,826 inhabitants, viz. 2,767 males and 3,059 females; of whom 855 were returned as being employed in various trades. Most of the buildings have an appearance of antiquity, and the streets are broad and remarkably clean. It is about half a mile long from east to west; about one mile and a half in compass; and contains eight churches, exclu-

sive of St. Bartholomew's at Hyde. The present cathedral was begun in the eleventh century, by Bishop Walkelyn, but was in part rebuilt by Bishop Wickham, in 1394. The choir under the tower was vaulted in the reign of Charles I. The new college of this city was founded by William of Wickham, the warden whereof is appointed by New College, Oxford, also erected by the same pious founder. The town-hall, in the same street, is a handsome building, supported by Doric pillars: it is ornamented with a statue of Queen Anne. In 1788, a new spacious county gaol was erected on the Howardian plan, in the court of which is a neat chapel; there is also a Bridewell for the city, and another for the county; the latter erected in 1786. The streets are well paved and lighted, under an act passed in 1770; and a new and commodious market-house was erected in 1772. Winchester by the Britons was called *Caer Gwent*, and after the Romans were settled here, is said to have become noted for its manufactures of cloth and household linen; during the time of the Saxons, many of their kings resided here. Athelstan granted it the privilege of six mints, and in 660 it was erected into a bishopric, transferred from Dorchester. Its ancient castle is supposed to have been built by King Arthur; in it William II., surnamed Rufus, was crowned. During the civil wars it was mostly demolished by the Parliament forces, except the old hall, in which the assizes are still held; in this also hangs what is denominated Arthur's Round Table, with the names of the knights thereon. On the site of the

castle, a royal palace was begun, in 1685; the principal floor of which is a noble range of apartments, and contains in all 160 chambers; this has often been occupied by prisoners of war, on their parole. Several monasteries and religious houses were formerly in the suburbs of this city. The plague made great devastations here in the years 941, 1348, and again in 1668; and at the west end of the town is an obelisk, having an inscription commemorative of those calamities.

REPRESENTATIVE HISTORY.

This city has returned citizens to Parliament from the 23d of Edward the First, and several Parliaments have been held here.

PETITIONS, &c. March 24, 1689. A petition of Charles Morley, esq., against the return of William Lord Pawlet and Frederic Tilney, esq., by means of indirect practices.

Oct. 6, 1690. Mr. Morley reported from the Committee of Privileges of Elections: "That the right of election appeared to be in the Mayor, Recorder, Aldermen, Bailiffs, and corporation of the said city."

Resolved: "That the Lord William Pawlet is duly elected a citizen to serve for this borough;" and the said resolution being twice read, was agreed to by the House.

Feb. 13, 1700. A petition of Frederic Tilney, esq., shewing, that the petitioner was a candidate at the late election for this city, and had a majority of legal votes; but by influence, and indirect practices, and by means of threats and menaces,

and also by the appearance of three dukes in court, who voted against the petitioner, (notwithstanding he caused the order of the House of the 14th of December, 1699, to be read in court,) Lord William Pawlet and George Bridges, esq., were unjustly returned.

No determination.

March 26, 1715. A petition of John Popham, esq., against the return of Lord William Pawlet, who, by means of bribery, (assisted by the mayor of the city,) and other illegal practices, prevented numerous burgesses and freemen from voting for petitioner.

April 8. Petition withdrawn.

Parl. 10. William Powlett, esq. petitioned against Pawlet St. John, esq., but the case does not appear to have been tried.

CORPORATION.

Here are, by Queen Elizabeth's charter, a mayor, recorder, six aldermen, two bailiffs, and twenty-four common-councilmen.

RIGHT OF ELECTION.

The members are elected by the Corporation.

NUMBER OF VOTERS—60.

RETURNING OFFICERS—the Bailiffs.

PATRON—Sir Henry Carew St. John Mildmay.

POLITICAL ANECDOTE.

In a pension list of Charles the Second, the following anecdote appears :—" Sir Robert Holmes, " member for Winchester; first an Irish *Livery* " *Boy*, then a HIGHWAYMAN, and afterwards a

“ BASHAW of the Isle of Wight, got in *boons* and
“ *rapine* £100,000.—The cursed beginner of the
“ two Dutch wars!”

POLITICAL CHARACTER.

The right of election for this city having been confined to the corporation, and such freemen as this select body pleases to make, ever since the year 1690, its elective franchise fell under the influence of the then Dukes of Bolton and Chandos, who sent each a member, and sometimes each patron attempted to return both.

In 1747, Henry Penton, esq., of this city, overcame the Bolton interest; and that gentleman and the late Duke of Chandos nominated each a member during their lives. The late Sir Henry Pawlet St. John Mildmay succeeded Mr. Penton in the influence he possessed in 1802; and at the last general election, in 1812, his son, the present Sir Henry Carew St. John Mildmay, having procured a number of his relations and tenants to be made freemen, became sole patron of this corporation.

The dukedoms of Bolton and Chandos, the heads of the two contending parties in this county, having become extinct, their representatives, the present Lord Bolton and the Marquis of Buckingham, no longer possess the political influence exercised by those noblemen.

A great majority of this corporation, who choose the virtual representatives for a population of near six thousand souls, are non-residents, and as such can have no interest or concern for the people, of whose rights they have the exclusive exercise.

PORTSMOUTH.

PORTSMOUTH is a sea-port, borough, market-town, and parish, in the hundred and division of Portsdown, Hants, 74 miles from London; containing 1,130 houses, inhabited by 7,839 persons, viz. 3,148 males and 4,691 females, of whom 958 were returned as being employed in trade, handicraft, and manufacture; but the population of Portsmouth and Portsea, which may be called one town, is 33,226 persons, of which number upwards of 3,000 are constantly employed in the dock-yards. This town was anciently defended by a wall of timber covered with earth, and with bastions and forts of hewn stone. But in the reign of Queen Elizabeth it was strongly defended by new works; at the Restoration of King Charles II., great improvements were made, by the establishment of new docks; several forts were strongly fortified in the modern manner, since which time each succeeding sovereign has made further improvements and additional works, that it is now the most regular fortress in Britain.

REPRESENTATIVE HISTORY.

This borough first returned burgesses to Parliament in the 23rd of Edward the First.

PETITIONS, &c. March 19, 1678. A petition of Richard Stevens touching the election of this borough.

No report appears.

March 24, 1689. A petition of Henry Slingsby, esq., shewing that Nicholas Hedger, mayor of this borough, *upon pretence of having surrendered his office*, did by undue means cause himself to be returned, notwithstanding he *is still* the legal mayor.

No report appears.

Dec. 5, 1695. A petition of divers inhabitants of Portsmouth, paying scot and lot, and having a right to vote, stating that they were precluded giving their votes for Edmund Dummer, esq., by many illegal practices on the part of the said Nicholas Hedger, mayor of this borough, viz. by shutting the gates of the town, to prevent those from voting who lived *without*, and by threatening many of the petitioners with *corporal punishments* for offering to poll for Mr. Dummer, and also in a hostile manner, by keeping *a guard of soldiers*, *to threaten and discourage* Mr. Dummer's friends from voting for him, by which, and many other flagrant and unconstitutional practices, the said mayor procured himself to be returned.

No report appears upon this unconstitutional usurpation of power.

— 28. A petition of Matthew Aylmer, esq., against the return of Colonel Gibson, by means of the mayor, at *a private consultation* with a few aldermen, having put the common seal to an indenture and return, in manifest wrong of the petitioner, who had the majority of votes.

Resolved: "That the right of election of burgesses to serve in Parliament for this borough is in the Mayor, Aldermen, and Burgesses of the said borough only."

“That John Gibson and Matthew Aylmer, esqrs. are not duly elected for this borough.”

“That the said election of burgesses for this borough is a void election.”

The said resolutions being read twice, were agreed to by the House.

Dec. 1, 1710. A petition of Sir William Giffard and Sir James Wishart, knts., against the illegal return of Sir John Jennings and Sir Charles Wager, the pretended mayor, Henry Seager, esq., and Thomas Ridge and James White, esqrs., and several others who acted, and voted as aldermen, though neither of them had taken the sacrament and the necessary oath, as prescribed by act of parliament, besides using many other indirect practices in procuring votes.

Resolved: “That Sir Charles Wager and Sir John Jennings are not duly elected for this borough.”

“That Sir James Wishart and Sir William Giffard, knts., are duly elected burgesses for this borough.”

The said resolutions being read twice, were agreed to by the House, and the return amended accordingly.

Feb. 3, 1710. Resolved: “That Joseph Whitehorn, esq., who was elected mayor of the borough of Portsmouth on the 10th of December, 1709, and had not duly qualified himself for that office according to law, by taking the sacrament of the Lord’s Supper according to the rites of the Church of England, within one year next before his election, was not legal mayor of the said borough.”

Resolved: "That the aldermen elected during the said pretended mayoralty of the said Mr. Whitehorn, are not legal aldermen, and the burgesses elected during his pretended mayoralty have not a right to vote in election for members to serve in Parliament for the said borough of Portsmouth."

The House being moved, Feb. 10, 1711, to take into consideration whether Sir William Giffard, being governor of Greenwich Hospital, is capable, according to the act of the 6th of Queen Anne, of being a member of the House of Commons, the act was read. Ordered, "That the constitution of Greenwich Hospital, and the patent constituting Sir William Giffard governor thereof, be laid before the House. On the 12th of February, a person from Greenwich Hospital attended, and at the bar presented the constitution of the hospital, and also the commission to Sir William Giffard to be governor, and then withdrew. And it appeared that the constitution of the hospital, whereby a governor thereof was appointed, was before the act of Queen Anne. After which Sir William Giffard came into the House, and took his place.

Beatson's
Reg. vol. i.

CORPORATION.

Portsmouth was last incorporated by Charles I. It is governed by a mayor, recorder, twelve aldermen, and an indefinite number of burgesses.

RIGHT OF ELECTION.

Jan. 24, 1695. Resolved: "That the right of

election of burgesses to serve in Parliament for the borough of Portsmouth (in com. Southampton) is in the mayor, aldermen, and burgesses of the said borough only.

NUMBER OF VOTERS—110.

RETURNING OFFICER—the Mayor.

PATRON—Mr. Alderman Carter.

POLITICAL CHARACTER.

The right of election in this town being exclusively in the Corporation, consisting of a Mayor, Recorder, 12 Aldermen, and an indefinite number of Burgesses, like that of Plymouth, the same influence prevailed here for a great number of years, and the Admiralty was always admitted to have the nomination of its members. The Corporation, however, being chiefly composed of men of independent fortunes, and inimical to the American war, and the unconstitutional measures of Lord North's administration, refused to accept the ministerial nomination of the late Peter Taylor, esq., the army commissary, upon the death of the late Sir Matthew Featherstonhaugh, in 1774, and invited Joshua Iremonger, of Wherewell, in this county, a gentleman of great opulence and independence, to oppose the government interest. The patriotic party had not yet acquired a sufficient strength to overcome that influence which had usually prevailed here, so that Mr. Taylor carried his election by a majority of three votes.

This opposition to government irritated them to such a pitch, as to cause them, the ensuing term, to move the court of King's Bench for informa-

tions in the nature of *quo warranto*, against the mayor, several of the aldermen, and 63 of the burgesses. These informations having been severally obtained, and trials had thereon, judgment of ouster was issued against the whole number. Similar informations were then moved on behalf of the patriotic against the ministerial party, and 29 of the latter were likewise ousted.

These judgments left the corporation without a mayor or recorder, only four aldermen remained in their offices, and a few of the burgesses. Administration had now so far succeeded, as to have a clear majority in this garbled corporation; but of the four remaining aldermen, Wm. Carter, sen., esq., Mr. White, Mr. Linzee, and Mr. Varloe, the two former being in the independent interest, and the two latter in that of government, and as the power of making aldermen, and nominating candidates for the office of mayor, is vested by the bye-laws of the corporation in the court of aldermen, no election could legally be made for either. The majority of burgesses who were in the interest of government, however, assembled, and assumed to themselves a power of choosing a mayor, and elected Mr. Munday, an officer of the customs in this port, and one of the burgesses into that office. This election being illegal, judgment of ouster was soon obtained against him; but the burgesses still persevered in the same mode of election, and as often as judgment of ouster was obtained against one, they set about electing another of their own party, and continued this practice for nearly nine years, at the expiration of which time, Linzee and

Varloe, the two ministerial aldermen, died, and left the corporate power in the hands of their opponents. The Earl of Sandwich, who had been considered the patron and supporter of the ministerial party in this borough, being about this time removed from the office of first lord of the admiralty, they lost that support by which they were enabled for so many years to carry on their opposition.

The two remaining aldermen, Carter and White, having now the sole command of the corporation, and the election of mayor of necessity falling upon one of them, Mr. Carter was accordingly chosen on the Michaelmas-day following.

The corporation having once more obtained a legal form, a court of aldermen was held, the vacancies were filled up, and a number of new burgesses elected, of such a character and independence, as placed them beyond the reach of improper influence. The constitutional objections which we have to make against them are, that the majority of them are non-residents; and that by their constitution they elect each other, without the suffrages of the inhabitants, who are thereby not only secluded from their natural right to their choice of magistrates, but also from the more important one, of delegating their representatives to the legislature, in whom is the disposal of their liberty, life, and property.

STOCKBRIDGE.

STOCKBRIDGE, a borough and market-town in the parish and hundred of Kingsomborne, division of Andover, Hants, 21 miles from Basingstoke, and 66 from London ; containing 158 houses, and 643 inhabitants.

REPRESENTATIVE HISTORY.

This borough never sent burgesses to Parliament till the first of Queen Elizabeth.

PETITIONS, &c. Jan. 22, 1562. Mr. Speaker declared to the House, that the Lord Steward agreed that the burgesses for this borough should resort to the House, and with convenient speed shew their letters patent why they had been returned to Parliament.

May 9, 1614. Mr. Fuller reported the case of Stockbridge, that there were only twenty-eight persons in the town who had true voices in the election. That the bailiff got the seal of the town into his own hands.

May 17, 1761. Sergeant Charleton reported, upon the double return for this borough of Sir Robert Howard, knt., and Robert Philips, esq., by one indenture, and Henry Whitehead, esq., and Sir Robert Howard by another ; and the opinion of the committee, that Mr. Phillips ought to sit till the merits touching the election should be determined—to which the House agreed.

June 29. Another report touching the said

election, when it was agreed by the House, that Sir Robert Howard and Colonel Phillips were well elected.

Oct. 25, 1680. A petition of Henry Whitehead, esq.

Nov. 22. Resolved: "That Henry Whitehead, esq. is duly elected."

March 25, 1681. A petition of the same touching the election for this borough.

No report appears.

Oct. 28, 1689. A petition of William Strode, esq., against the return of William Montague, esq., by means of undue practices.

A petition of William Reeves against the same return.

Nov. 15. Resolved: "That William Montague, esq., is not duly elected a burgess for this borough."

"That William Strode, esq., is not duly elected."

"That the said election is a void election;" and

Ordered: "That Richard Hewes, the bailiff of this borough, Page Robinson, — Gatehouse, and Samuel Hall, be sent for in the custody of the sergeant at arms, for giving and taking bribes at the said election;" and further,

Resolved: "That William Montague, esq., be disabled from being elected a burgess to serve in this present Parliament for this borough."

A motion was made to disable William Strode, esq., but was disagreed to.

A debate arose for disfranchising this borough for ever from sending burgesses to Parliament,

and in lieu thereof to add two knights of the shire, to be chosen for the county of Southampton.

Resolved: "That it be considered;"—but it was not moved again.

November 27, 1689. A petition of R. Hewes, &c., inhabitants of Stockbridge, that they were very sorry they had incurred the displeasure of the House by encouraging the giving of money, and by other irregularities at the late election there, which they had not done, but that they were so near ruin by the late king's army continually quartering upon them, and praying the consideration of the House, and to be discharged from their confinements. The petitioners being called in, and severely reproved by Mr. Speaker for their offences, were discharged on paying their fees.

Resolved, "That the said election for the said borough of Stockbridge is a corrupt and a void election."

Resolved: "That a bill be brought in for disabling the said borough of Stockbridge to send burgesses to serve in Parliament for the future."

And the said bill was brought in the same session, and read a first and second time, and committed.

Jan 8, 1690. A petition of the bailiffs and constables, shewing, that William Strode, esq., a candidate for this borough, did employ divers persons to threaten some men, that unless they would give him their votes, it should cost them 200*l.*, and that he would indict others in the Crown-office of crimes for which they had already suf-

ferred; and various other threats, to induce persons to give votes contrary to their inclinations.

Ordered: "That the said petition *be rejected!*"

A petition of divers burgesses and inhabitants of this borough against the return of Thomas Neale, esq., by means of illegal practices.

No determination.

March 25. A petition of William Montague, esq., shewing, that he was duly elected; but being in execution in the King's Bench at the time of the election, the marshal refuses to give him his liberty to attend his parliamentary duty.

April 2. A petition of William Reeves and others against the return of William Montague, esq.

The matter touching the election, and the detention of the above member, being reported from the committee, it was

Resolved: "That the said report should be taken into consideration at an early period," but never was delivered, on account of Mr. Montague's death.

May 26, 1691. A petition of Anthony Row, esq., against the return of Thomas Jervoise, esq.

Oct. 31. Another petition of the same to the same effect.

Nov. 7. Petitions withdrawn.

Dec. 1, 1693. A petition of Henry Dawley, esq., against the return of Anthony Row, esq., by means of extravagant gifts, &c.

Resolved: "That Anthony Row, esq., is duly elected;" which was, however, disagreed to by the House.

“That Henry Dawley, esq., is not duly elected.”

“That the said election is a corrupt and void election;” and further,

Resolved: “That a bill be brought in for disabling this borough to send burgesses to Parliament for the future.”

Feb. 7, 1694. The said bill being prepared, and read twice, it was ordered to be committed.

Feb. 5, 1694. A petition of the bailiff, constables, and other inhabitants, shewing, that the petitioners are sensible of the high irregularities committed by some members of this borough, trusting the House will not use such severity to the burgomasters, they being resolved, in future, in all difficult cases, to consult the gentlemen of the county; and praying that the bill for disfranchising this borough may be withdrawn.

Another petition of the bailiff and inhabitants to the same effect, stating their affliction at having incurred the displeasure of the House, and praying they may be heard by their counsel at the bar.

Resolved: “That both petitions be rejected.”

— 21, Ordered: “That the committee to whom the said bill is committed have power to send for persons, papers, and records.

— 22. Several amendments to the said bill were agreed to by the House; and

Ordered: “That the said bill be engrossed with the amendment of “Rumsey.”

— 30. The bill was read a third time, and a clause was agreed to as a rider, “that the next election should be at Basingstoke;” when the

question being put, that the bill should pass, it was disagreed to.

April 19. A motion was made for a new writ, which was negatived.

Nov. 12. Another motion for a new writ; and on the 20th, a warrant for a new writ was ordered.

Dec. 7, 1695. A petition of Nicholas Bacon and Hugh Goddard against the return of Anthony Sturt and John Venables, esqrs., by means of undue and corrupt practices.

No determination.

Nov. 2, 1705. A petition of Anthony Burnaby against the return of Sir John Hawles and Sir Edward Lawrence, knts., by means of bribery and other illegal practices.

No determination.

March 3, 1713. James, Earl of Barrymore, and Sir Richard Vernon, bart., petitioned against the return of Richard Steele and Thomas Broderick, esqrs. They withdrew their petition. Richard Steele, esq., being expelled the House for writing the *Crisis*, &c., a new writ was ordered April 19, 1714, and James, Earl of Barrymore, was elected in his place.

In 1791, Joseph Foster Barham and George Porter, esqrs., petitioned against the return of John Scott and John Cator, esqrs. The petition was renewed the 2d and 3rd sessions.

Feb. 22, 1793. The Hon. Edward James Eliot reported from the committee appointed to try and determine the merits of the Stockbridge election.

“ That John Cator and John Scott, esqrs., were not duly elected.”

“ That Joseph Foster Barham and George Porter, esqrs., were duly elected, and ought to have been returned.”

“ That William Newman was the proper returning officer at the last election for the said borough of Stockbridge.”

“ That it appears to this committee, that there was the most *notorious bribery and corruption* at the last election of members to serve in this present Parliament, &c.”

“ That it is the opinion of this committee, that the said bribery and corruption *require the most serious consideration of Parliament.*”

“ That the said report be taken into further consideration on the 7th day of March next.

“ That the attorney-general be instructed to prosecute the said John Scott and John Cator, esqrs., for having used bribery and corruption at the said election.

After several adjournments, it was ordered, on the 18th day of March following, “ That leave be given to bring in a bill for preventing bribery and corruption in the election of members to serve in Parliament for the borough of Stockbridge.”

March 20. Mr. E. J. Eliot presented to the House a bill for preventing bribery and corruption in the election of members to serve in Parliament for the borough of Stockbridge.

On a motion being made, leave was given to bring in a bill to incapacitate *sixty-three*, being a

considerable majority of the electors of the borough, from voting hereafter at elections of members to serve in Parliament for the borough of Stockbridge.

Petitions were presented and heard against the above bill, which were productive of various adjournments, till an adjournment beyond the session, as in the case of Hindon, Shaftesbury, &c. took place, and the bill *was lost*.

These worthy electors are, therefore, still at liberty to return two members to the House of Commons every succeeding Parliament to represent fifteen millions of people in the British Senate!

CORPORATION.

None: it being a borough by prescription, having a titular bailiff, constable, and sergeant at mace.

RIGHT OF ELECTION

Is in all the inhabitants paying to church and poor.

NUMBER OF VOTERS—57.

RETURNING OFFICER—the Bailiff.

PROPRIETORS — John Foster Barham and George Porter, esqrs.

MODE OF BRIBING THE VOTERS.

The bailiff, who is generally an innkeeper, or one dependant on an innkeeper, is the returning officer at elections; for it is said that the innkeeper, in order to have an opportunity of receiving bribes upon these occasions, without being liable to the penalty, has frequently procured one of his own

ostlers to be elected bailiff, and has himself carried the mace before him.

The ingenious Sir Richard Steele, who represented this borough in the reign of Queen Anne, carried his election against a powerful opposition, by the merry expedient of sticking a large apple full of guineas, and declaring it should be the prize of that man whose wife should first be brought to-bed after that day nine months. This, we are told, procured him the interest of the women, who are said to commemorate Sir Richard's bounty to this day, and once made a strenuous effort to procure a resolution, that no man should ever be received as a candidate who did not offer himself upon the same terms.

ANECDOTE.

In the pension list published in the reign of Charles II., there appears the following extraordinary paragraph—

“ Sir Robert Howard, member for Stockbridge,
“ auditor of the receipt of the Exchequer, three
“ thousand pounds per annum. Many great places
“ and boons he has had, but his W—— Up-hill
“ spends all, and now refuses to marry him.”

POLITICAL CHARACTER.

This borough cuts as distinguished a figure in the annals of bribery as any in England; not that it has been more venal than others, but less discreet in the practice of it. It has several times escaped disfranchisement by some of those side-wind accidents which have saved many other bo-

roughs in the same predicament ; such as previous questions, delays till the session was ended, want of time to examine further evidence, when the fact, according to the declaration of a noble lord in the House of Commons, was as clear as the sun at noon-day ! and it therefore continues the practice with impunity to the present day. The price, we understand, is still sixty pounds a man ; and though all the houses in the borough are purchased up by the present members, who employ a London attorney to *manage them*. They must either forego the receipt of rents, or submit to this exaction.

CHRISTCHURCH.

CHRISTCHURCH, a borough and market-town in the hundred of Christchurch, division of New Forest West, Southampton, seven miles from Ringwood, and 98 from London ; containing 290 houses and 1,410 inhabitants, of whom 420 were returned as being employed in trade and manufacture.

REPRESENTATIVE HISTORY.

This borough first sent to Parliament anno 13 of Elizabeth ; for though it was summoned the 35th of Edward I., and anno 2 Edward II., the bailiff made no return to either precept. It was anciently called Troenambourne, from its being situated at the conflux of the rivers Avon and Stour, where they fall into Christchurch Bay, and has received its present name from the dedication of its church to Christ.

Its elective right has been often disputed between the mayor and burgesses on one part, and the populace, or inhabitants at large, on the other part, but no determination on the right of voting has ever taken place.

Browne Willis states the right of election in this borough to be in the Mayor, Burgesses and Inhabitants. We find no mention of it in Prynne, except the returns; nor in Petyt, Brady, or Glanville. We shall therefore notice what we find in Carew.

April 6, 1571. Mr. Treasurer, Mr. Sergeant Manwood, and others, reported concerning the return of burgesses, not having returned any the last Parliament,

“ That the burgesses should remain according to their returns, as the validity of the charters is to be elsewhere examined, if necessary.

March 24, 1680. A petition of Thomas Hooper, esq., touching the election for this borough.

No determination.

March 28, 1690. A petition of Thomas Hooper and Thomas Dore, esqrs., against the return of William Etterick and Francis Gwyn, esqrs.

Nov. 9, 1651. Petition withdrawn.

Dec. 2, 1710. A petition of Peter Gery, esq., against the return of Peter Mew, esq.

No determination.

Oct. 25, 1722. A petition of William Goldwyer, Samuel Hookey, Joshua Stevens, John Hancock, Thomas Jeanes, and John Bursey, burgesses of this borough, against the return of Francis Gwyn, esq., and Sir Peter Mews, knt.

Jan. 21, 1723. Another petition from the same to the same effect.

Petitions withdrawn.

March 6. A petition of Joseph Hinxman, esq., against the return of Edward Prideaux Gwyn, esq.

A petition of Joshua Stevens, John Hancock, John Bursey, Thomas Jeanes, and Samuel Hookey, against the same return.

The following petition, containing an explanation of the disputed right in this borough, will render unnecessary our selecting any further extracts from the Journals.

Carew,
p. 156.

Nov. 23, 1724. A petition of Joshua Stevens, John Hancock, John Bursey, Thomas Jeanes, and Samuel Hookey, burgesses of Christchurch, Twynham, in the county of Southampton, in behalf of themselves, and divers other burgesses of the said borough, was presented to the House, and read, shewing, that the said borough is a borough by prescription, and anciently consisted of a mayor, burgesses resident in the borough, out-burgesses, and inhabitants called the *populace*, having a right to elect, and send two burgesses to represent the said borough: that on the 8th of September annually, the mayor, and resident, or in-burgesses, used to meet in their town-hall, and there nominate three of their body, (the mayor presiding,) to be presented to the inhabitants on the 14th of the same month, for them to choose one of the three as mayor for the ensuing year, which person, nominated and chosen, had been sworn into the said office of mayor at the following Michaelmas court-leet; that in 1718 one John Stevens was

duly nominated, and chosen mayor, according to the said custom, and expected to have been sworn, as usual, into the said office for the year ensuing; but by the contrivance of some of the burgesses and inhabitants, together with the lord of the leet and his steward, no Michaelmas court-leet was held; and when a court-leet was afterwards held in April, 1719, by an unknown person as steward, the said John Stevens offering himself, and being presented by the jury to be sworn into the office of mayor, he was refused to be sworn, and the court was broke up abruptly by the person who appeared as steward: that James Stevens, who was mayor, and presided, as usual, at the nomination and election of John Stevens, in 1718, for mayor for the year ensuing, gave up his accounts as mayor at the end of the year, as usual, and neither acted, nor pretended to be mayor afterwards, and in April, 1719, died; so that from September, 1718, there was no person who acted as mayor, or that could preside, through the management and contrivance aforesaid: notwithstanding which, in September, 1719, some free burgesses, being a minority of those then living, met in the street, and there, without any mayor presiding, nominated Francis Gwyn, esq., to be mayor for the ensuing year, and he, being afterwards sworn at the Michaelmas court-leet, nominated one James Colgill his deputy: that thereon informations, in the nature of *quo warranto's* being granted against Mr. Gwyn and his said deputy, the information against Mr. Gwyn was tried in the court of King's Bench, in the Michaelmas term, 1720, and a verdict was ob-

tained against Mr. Gwyn, and thereupon judgment confessed by Colgill, and judgments of *ouster* were accordingly entered against both ; that afterwards the petitioners and others, being burgesses and inhabitants of the said borough, apprehending that the rights and privileges were entirely lost ; in order to restore the same, applied to his majesty, by petition, for a charter of incorporation, which petition was, by order of council of the 6th of February, 1720, referred to the then attorney and solicitor-general ; and Mr. Gwyn and his friends likewise petitioning, that the prescriptive right of the borough, if lost, might be revived by writ *mandatory*, that petition was likewise referred : that the attorney and solicitor-general having been attended by counsel on both petitions, and on both sides, reported, “ *that the corporation was*
“ *disabled to act without his majesty's aid ; and*
“ *that they could not apprehend any difference*
“ *between the dissolution of a corporation and an*
“ *incapacity of acting*, and upon the whole, for
“ the reasons given in their report, they represented it as the most advisable method, *for his*
“ *majesty, if he thought fit, to grant a charter of*
“ *incorporation :*” —that the said pretended mayor taking the votes of the said new illegal burgesses, and of those against whom judgment of *ouster* had been given, declared the said Edward Prideaux Gwyn to have the majority, and returned him as duly elected ; that the petitioners do likewise insist, and do not doubt to prove, that the said Joseph Hinxman, esq. had a majority of legal votes, *if any such there were*, and that he, if any one,

ought to have been returned as duly elected to serve for the said borough, and praying, &c.

Parl. 7. Jacob Banks and Edward Hooper, jun. petitioners.

Imp. Parl. 3. A petition against the return of William S. Bourne, esq. and the Right Hon. George Rose. Ordered to be heard March 12, 1807.

Referred to the Committee of Privileges, but no decision appears to have taken place upon it.

CORPORATION

Consists of a mayor, recorder, aldermen, bailiffs, and a common-council.

RIGHT OF ELECTION

In the Inhabitants, Householders, paying scot and lot; but at present assumed and exercised by the corporation exclusively.

NUMBER OF VOTERS—24.

RETURNING OFFICER—the Mayor.

PATRON—the Right Hon. George Rose.

POLITICAL CHARACTER.

There does not appear upon the Journals of the House of Commons any resolution respecting the right of election in this borough; but Brown Willis states it to be in the inhabitants, householders, paying scot and lot. The corporation have, however, assumed to themselves the exclusive right for a number of years, without any opposition from the inhabitants, and exercise it at present with wonderful address and management.

Edward Hooper, esq., of Herne Court, near this borough, senior commissioner of the customs, for near fifty years had the controlling interest of this corporation, the direction of which he surrendered to Lord Malmesbury; but Mr. Rose of the treasury, in imitation of his predecessor, John Robinson, at Harwich, has, since acquiring the estate at Cuffnells, in the New Forest, conceived it convenient to realise a similar influence, and has accordingly directed the treasury artillery against the electors of Christchurch. A surrender was soon obtained, and a capitulation agreed on, by which Mr. Rose is allowed the nomination of its members. Should any two gentlemen, however, think proper to offer themselves at a future vacancy on the right of the inhabitants, and take the sense of a committee of the House of Commons by petition, on the validity of their claim of suffrage, there is the best founded presumption of success, as they have not contrary resolutions of former committees to combat, as in the cases of Pomfret and Poole, but a clear and distinct right established by prescription, and opposed only by an arbitrary monopoly, sanctioned by a corrupt usage of a short period.

LYMINGTON.

LYMINGTON is a borough and market-town in the parish of Boldre, in New Forest, Hants, situated on a creek of the English Channel called Boldre Water, about $\frac{1}{4}$ of a mile from the sea, 18

miles from Southampton, and 95 from London ; containing 475 houses, and 2,378 inhabitants, viz. 974 males, and 1,404 females, of whom 387 were returned as being employed in various trades. It consists principally of one long street leading toward the quay ; many of the houses are well built. The chief commerce here is the import of coals, and the export of salt ; but both these are greatly on the decline. The port is an appendage to Southampton, and admits vessels of 500 tons to the quay.

REPRESENTATIVE HISTORY.

It is a mayor town, but was never represented in Parliament, till the 27th of Elizabeth, and has continued to the present time.

March 24, 1689. A petition of Thomas Jer-voise, and Oliver Cromwell, esqrs., against the return of Thomas Dore and John Burrard, esqrs., which was referred to the Committee of Privileges.

Dec. 29. Sergeant Trenchard reported upon the matter. The question was, whether the election was in the mayor and burgesses, or in the mayor, burgesses, and commonalty : if in the former, the sitting members were duly elected ; if in the latter, the petitioners were duly elected.

Resolved : " That Thomas Dore and John Burrard, esqrs., are duly elected burgesses to serve for this borough."

October 29, 1691. Resolved, " That only the mayor and burgesses of Lymington have a right to elect a burgess to serve in Parliament for that borough."

Jan. 18, 1695. Resolved, "That the right of electing burgesses to serve in Parliament for the borough of Lymington is not in the mayor, burgesses, and commonalty of the said borough, paying scot and lot."

Nov. 25, 1695. A petition of John Pitt and William Clark, esqrs., against the return of John Burrard and Thomas Dore, esqrs.

Feb. 18, 1696. Colonel Granville reported the matter touching this election. For the petitioners, it was insisted, that this borough was a borough by prescription, and the right of election is in the mayor, burgesses, and commonalty of the borough, paying scot and lot.

On the other side it was insisted, it was a corporation by prescription, and the right of election is in the mayor and burgesses only: and it was agreed, if the right was as the petitioners alleged, they were duly elected; if as the sitting members alleged, they were duly elected.

Feb. 18, 1696. Resolved: "That the right of electing members to serve in Parliament for the said borough of Lymington, is only in the mayor and burgesses of Lymington, exclusive of the commonalty, paying scot and lot."

"That John Burrard and Thomas Dore, esqrs., are duly elected burgesses for this borough, which being read twice, was agreed to by the House."

Feb. 14, 1700. A petition of James Worsley and Thomas Foullerton, esqrs., against the return of Thomas Dore and Paul Burrard, esqrs.

No determination.

Dec. 1, 1710. A petition of John Walter and

William Forbes, esqrs., against the return of Lord William Pawlet and Paul Burrard, esqrs.

The question was, whether the right of election is in the mayor, burgesses, and commonalty; or in the mayor and burgesses of this borough.

The following resolution in the case of Boston, in Lincolnshire, was insisted on: viz.

May 8, Car. I. "Agreed by the committee, that the election of burgesses, IN ALL BOROUGHES, did of common right belong to the COMMONERS, and that *nothing could take it from them*, but a *prescription and constant usage*, BEYOND ALL MEMORY!"

Edwards said, he had been a burgess fifteen years, and had known the borough above thirty-five years; that about the time of the convention he was a scot and lot man, and that several of the burgesses sent to him, and told him, he had a right to vote for members of Parliament, and asked him, why he did not try that right? that at two elections, the votes of the populace have been asked by Mr. Jervoise and Mr. Cromwell, and by Mr. Pitt and Mr. Clark, the then candidates, who stood by the populace, and in both these elections Mr. John Burrard was a candidate, by the mayor and burgesses; that those elections were contested, the votes of the populace were then rejected by this House, and the persons chose by the select number sat in Parliament, and since that the populace have not voted.

Sir Robert Smith said, when he was mayor of this borough (above twenty years ago) he refused to make honorary burgesses, and his deputy, David

Edward, aged above eighty, commended him for it, for he said it had never been well with the town, since the inhabitants had lost their right of voting.

— Hackman said, there are about seventy burgesses, of which fifteen or sixteen are inhabitants, and there are near one hundred other housekeepers, inhabitants, who are not burgesses, but generally in as good condition as the burgesses, and all pay to church and poor, except about four of them ; that at the last election the constables refused the petitioners admittance into the town hall ; and it is usual to shut out all candidates and others who are not burgesses.

Jan. 11, 1711. Resolved, “ That the right of election of burgesses to serve in Parliament for the borough of Lymington, in the county of Southampton is in the mayor and burgesses of the said borough only.”

“ That Lord William Pawlet and Paul Burrard, esq., are duly elected burgesses for this borough.” Which resolutions being read twice, were agreed to by the House.”

CORPORATION.

This ancient borough is a corporation by prescription, consisting of a titular mayor, and burgesses without limitation : the mayor is annually chosen by the burgesses within and without the borough, and sworn at the court-leet of the lord of the manor.

RIGHT OF ELECTION

In the Corporation.

NUMBER OF VOTERS—18.

RETURNING OFFICER—the Mayor.

PATRON—Sir Harry Burrard Neale, bart.

POLITICAL CHARACTER.

The inhabitants of this borough have made many exertions, as appears by the Journals of the House of Commons, to recover their ancient right of electing their representatives; but the committees have uniformly determined against them, though the ancient writs, returns, and customs, all prove that the right of election was originally in the householders in general.

The House of Commons have frequently been compelled to acknowledge this great truth. In the case of Abingdon, the word *burgenses*, or *burgesses*, was admitted to mean all the housekeepers, and in the cases of Colchester, Boston, Bridport, Pomfret, Warwick, and others, the words *commonalty* and *community* have in like manner been determined to comprehend all the inhabitants: but the resolution in the case of Cirencester places this question beyond all doubt: "That where there is no charter, nor resolution of the House to the contrary, the right of election is in the householders." This admits the right to have been every where in the householders before it was limited by royal charters, and resolutions of parliamentary committees. Even the limitation of paying scot and lot is unknown to the consti-

tution ; for scot and lot, or church and poor-rates, were never paid till the 43rd of Elizabeth, and we can prove the right of election to have existed above a thousand years antecedent to that period.

It is only necessary to add, that Lymington is what is called a close, or pocket, borough, and that its representative rights have been at the disposal of Sir Harry Burrard Neale, and his ancestors, for above one hundred years.

WHITCHURCH.

WHITCHURCH, a borough, market-town and parish in the hundred of Evingar, division of Kingsclere, Hants, $11\frac{1}{2}$ miles from Basingstoke, and 57 from London ; containing 220 houses and 1,275 inhabitants, a number of whom are employed in the manufacture of shalloons and serges, and many women in making stays. The town is an ancient borough by prescription, but not incorporated, being governed by a titular mayor, chosen at the court-leet, of the dean and chapter of Winchester, who hold the manor.

REPRESENTATIVE HISTORY.

This borough is a borough by prescription, and first sent members to Parliament in the 27th of Elizabeth.

May 23, 1685. A petition of John Deane, esq., against the return of Henry Wallop, and James Russell, esqrs.

No determination.

Nov. 30, 1695. A petition of Richard Woolaston, esqr., against the return of Lord James Russell, by means of several indirect practices.

No determination.

Oct. 24, 1702. A petition of Daniel Park, esq., against the return of Richard Woolaston and John Shrimpton, esqrs., by means of divers corrupt practices, on the part of themselves and the mayor.

Nov. 10. Mr. Bromley reported from the committee, as it appeared to them upon the said petition, as follows :

“ That the right of election was agreed to be in the burgage tenures, in those who had a burgage house, or one acre of burgage land for life, either in their own right, or in the right of their wives.

Resolved : “ That Richard Woolaston and John Shrimpton, esqrs., are duly elected burgesses for this borough.”

Nov. 13, 1705. A petition of Thomas Aleyn, jun., William Painter, jun., John Cox, and other freeholders and burgesses of this borough, against the arbitrary conduct of James Butler, the mayor, in refusing to receive their votes for Daniel Park, esq., who was a candidate, together with John Shrimpton and Richard Woolaston, esqrs., but finding that Mr. Park had not petitioned the House for relief, they were apprehensive that, by an acquiescence, under such illegal proceedings, they may be deprived of their right of voting at future elections.

Nov. 27th. Petition withdrawn.

March 26, 1715. A petition of Frederick Tyl-

ney, esq., against the return of George Carpenter, esq., through the partiality of Lawrence Turton, the mayor, in refusing legal votes and admitting others which were illegal.

May 18. Petition withdrawn.

In 1708, Frederick Tilney, esq. was found not duly elected; and being again returned with Thomas Lewis, esq., both were found not duly elected, Dec. 21, 1708.

May 8, 1721. General Rosse acquainted the House, that he had received a note from Thomas Vernon, esq., a member of this House, requesting a private audience, and, upon such audience, the said Mr. Vernon told him, he could be of service to Mr. Aislable in a bill then pending in the House, for which Mr. Aislable would make him any acknowledgment, and in any manner he should think fit.

To which Mr. Vernon declared, that he did not mention or intend any thing of *money*, or any other *corrupt matter*, and begged pardon of the gentleman and the House, if he had committed any offence, as the words he made use of arose merely on account of *friendship*, being nearly related to Aislable.

Resolved: "That it appears to this House, that Thomas Vernon, esq., a member of this House, has made a corrupt application to General Rosse, a member of this House, and one of the Committee of Secresy, in relation to a matter depending before this House."

Resolved: "That the said Thomas Vernon, esq., be for his said offence expelled this House."
And

Ordered: "That the thanks of this House be given to General Rosse, for the justice he has done to this House, AND TO HIS COUNTRY, in laying the application made to him by Thomas Vernon, esq., before this House:" which were given in the following terms by the speaker:

"General Rosse!

"This House has so just a sense of your having
 "laid aside all false notions of honor, and of your
 "regard to the only true notion of it, which is the
 "*doing justice to your country*, that they have
 "commanded me to give you their thanks, for
 "the justice you have done to this House, and
 "*to your country*, in laying the application, made
 "to you by Thomas Vernon, esq., before this
 "House: and I do give you the thanks of this
 "House accordingly."

To which General Rosse returned the following answer:

"Mr. Speaker!

"I cannot have a greater sense of any honor
 "done me, than I have of that which is done me
 "by the commands of this House, and expressed
 "to me by a person of so great honor, and for
 "whom I have the greatest respect: I am sorry
 "there was any occasion for it; but thought it
 "indispensably my duty, in execution of the
 "trust reposed in me by this House."

May 12. Ordered: "A warrant for a new writ for electing a burgess, in the room of Thomas Vernon, esq., expelled this House."

June 7. A petition of John Conduit, esq., against the return of Frederick Tilney, esq.

Resolved: "That Frederick Tilney esq., is not duly elected."

"That John Conduit, esq. is duly elected a burgess for this borough."

CORPORATION.

None.

RIGHT OF ELECTION.

Dec. 21, 1708. Resolved: "That the right of electing burgesses, to serve in Parliament, for the borough of Whitchurch, in the county of Southampton, is in the freeholders only of lands and tenements, in the right of themselves or their wives, not split since the act of the 7th and 8th years of the reign of King William.

NUMBER OF VOTERS—70.

RETURNING OFFICER—the titular Mayor.

PROPRIETORS—Lord Viscount Sidney, and Lord Viscount Middleton.

POLITICAL CHARACTER.

This is a burgage-tenure borough, the freeholds of which belong to the two noble proprietors, except thirteen that have not been purchased from individuals. Whitchurch is generally represented by the brothers of the two proprietors; who have only to make out seven temporary conveyances, each for the election day, and as many voters are created for the occasion, as will go through the ceremony in half an hour, of returning two nominal representatives for the people of Great Britain and Ireland.

PETERSFIELD.

PETERSFIELD, a borough and market-town in the parish of Buriton, hundred of Finchdean, division of Alton, Hants, is situated on the river Loddon, 17 miles from Portsmouth, and 55 from London; containing 192 houses and 1,159 inhabitants, of whom 748 were returned as being employed in various trades.

REPRESENTATIVE HISTORY.

This borough first returned members to Parliament in the 35th year of Edward I., and discontinued till Edward the Sixth's reign.

PETITIONS, &c. Feb. 23, 1688. Colonel Birch reported upon the double return for this borough.

Resolved: "That Robert Mitchell, esq. is duly elected for this borough:" which, upon being read twice, was agreed to by the House.

Feb. 7, 1726. A petition of Sergeant Edmund Miller, against the return of Joseph Taylor, esq.

— 16. A petition of the ancient freeholders of this borough, against the same return.

May 9, 1727. Resolved: "That the right of election of burgesses to serve in Parliament for this borough, is in the freeholders of lands, or ancient dwelling houses or shambles, or dwelling houses or shambles built upon ancient foundations within the said borough."

Resolved: "That Joseph Taylor, esq., is duly

elected:" which was disagreed to by the House.
And

Resolved: "That Sergeant Edmund Miller, is duly elected a burgess for this borough.

Parl. 8. Norton Powlett, esq. Petition renewed sess. 2.

CASE OF BRIBERY.

On Thursday the 16th of November, the committee being met, the petition of Mr. Luttrell was read, the entry of which in the journals is verbatim as follows:

Oct. 31, 1775. A petition of the Hon. John Luttrell was read, setting forth, that at the last election of members to serve in Parliament, for the borough of Petersfield, Sir Abraham Hume, bart., high sheriff for the county of Hertford, William Jolliffe, esq., and the petitioner, were candidates, and that the said Sir Abraham Hume and William Jolliffe, by themselves and their agents, after the dissolution of the last Parliament, and the issuing of the writ for the election, and previous to and during the poll, by themselves and their agents, and by other ways and means, on the behalf, and at the charge of the said Sir Abraham Hume and William Jolliffe, did give, present, and allow to the electors of the said borough, and to several persons who had or claimed a right to vote in the election for the said borough, money, meat, drink, reward, entertainments, and provision, in order to procure themselves to be elected for the said borough, in open defiance of the law; and that the said Sir Abraham Hume and William Jolliffe, pre-

vious to, and during the poll, were guilty of bribery and corruption, and attempting to bribe and corrupt those who had a right to vote in the said election, in order to procure themselves to be returned as persons duly elected; and that James Showel, pretending to be the mayor of the said borough, acted partially and unfairly in the execution of his office, as a returning officer, during the said poll, in rejecting good votes for the petitioner, and admitting bad ones for the said Sir Abraham Hume and William Jolliffe, and in many other respects; and that, by the said and other undue means, the said Sir Abraham Hume and William Jolliffe obtained a majority of votes on the poll, and were returned accordingly to serve in Parliament for the said borough, in prejudice of the petitioner (who was duly elected, and ought to have been returned) and the legal electors of the said borough, and in open defiance of the law and freedom of elections; and therefore praying the House to take the premises into consideration, and to grant him such relief therein as shall, upon examination, appear to be just.

The counsel for the petitioner opened the case by objecting to Sir Abraham Hume, that being high sheriff for the county of Hertford at the time of the election, he was ineligible; and that notice thereof having been given to the returning officer and to the electors, the votes given to him were thrown away:

To both the sitting members, that they had been guilty of corrupting the voters by gifts and promises, after the vacancy and issuing out of the

writ, by which means the election of them was void by virtue of the statute of King William.*

After some conversation, between the counsel of both parties on the above subject, the committee

Resolved: "That the counsel be not permitted to argue the point of the ineligibility of Sir Abraham Hume as high sheriff for the county of Hertford, the same ineligibility not being in allegation in the petition."

The counsel for the petitioner then called three or four witnesses, to prove that gifts and promises had been made by Mr. Jolliffe, in the presence, and with the concurrence of the other sitting member. In their opening, they did not allege that they could on this ground bring the majority of votes against either of the sitting members to be in favour of Mr. Luttrell; the object, therefore, of the evidence, was to make the election void as to one or both. In the course of the evidence one John Newman was called, to prove a declaration made to him by one John Blackstone, a voter, about having the promise of a house from Mr. Jolliffe for his vote.

On the part of the sitting members this evidence was objected to.

It was said, that although the declaration (not upon oath) of a person who cannot be obliged to be a witness on the subject himself, is admissible in evidence to affect such person, yet it is not admissible as against a third party; and that as the counsel for the petitioner had not said that they

* 7 William III. c. 4.

meant to disqualify voters, but only to affect the sitting members personally by promises, gifts, &c. which they had made, the evidence would not be admitted for that purpose.

It was answered by the counsel for the petitioner, that they were not obliged to anticipate the intent and purpose of the evidence they produced; that what they now offered, was certainly competent in an election cause; and that the committee, after they should hear it, would judge to what use it ought to be applied.

The committee, after deliberation,
Resolved; "That the evidence offered could not be admitted in support of any charge against Sir Abraham Hume or Mr. Jolliffe."

The counsel for the petitioner then said, they would ask the same question with a view to disqualify Brackstone;

Which they were allowed to do.

On Thursday the 16th of Nov., being the same day on which the cause was heard, the committee, by the chairman, informed the House that they had determined,

"That the two sitting members were duly elected."

CORPORATION.

This town was incorporated by Queen Elizabeth, and governed by a mayor and commonalty. Yet it has given up all its privileges to the family of the Hamborows, now descended to Mr. Jolliffe, who is lord of the manor, at whose court the titular mayor is now annually chosen.

RIGHT OF ELECTION.

May 9, 1727. In dwelling houses or shambles, built on ancient foundations.

NUMBER OF VOTERS—154, nominally, but actually only one.

RETURNING OFFICER—a titular Mayor, appointed by the lord of the manor at his court-leet.

PROPRIETOR—Hylton Jolliffe, esq.

POLITICAL CHARACTER.

In the last borough, the dean and chapter of Winchester appointed the returning officer, and two lords returned the two members; but here, one person appoints the returning officer and names both the members.

The dwelling-houses and shambles give the right of voting, not to the occupiers or proprietors, but to the individual who has purchased the freeholds of those places, and conveys a few of them on the day of election to his servants or dependents, who thereby become voters for the day, and return the persons they are directed. The members are never seen in this borough, nor known to any person connected with it, except the proprietor. There are thirty-six of these close or nominal boroughs in England, which send seventy-two members to the Imperial Parliament, some of them destitute of a single house or inhabitant: their establishments all existing in fiction. The borough itself, like Old Sarum, being a fiction, there existing no such place but by name. The electors in all these boroughs are

fictions named upon parchment for the day. The returning officer is also a fictitious character, called a bailiff, steward, portreve, or titular mayor, having no office, function, or power, but that of setting his name to the instrument which concludes these fictitious proceedings.

These burgage tenure boroughs are a greater insult to common sense than even the corporation boroughs, for there are a certain number of individuals with an efficient officer at their head, but here every thing is nominal except the members, who have the same votes in Parliament as the members for London, Westminster, or Yorkshire.

ANDOVER.

ANDOVER is a borough and market-town in the division of Andover, Hants, 63 miles from London; contains 657 houses, and 3,304 inhabitants, being 1,458 males, and 1,846 females, of whom 1,257 were returned employed in various trades, &c. It stands on the small river Ande, and its Saxon name was *Anedafaran*, i. e. over Ande. It is a healthy and populous place, carrying on a considerable traffic in shalloons, malting, &c., particularly since the canal from hence through Rumsey to Southampton has been cut.

REPRESENTATIVE HISTORY.

This borough sent burgesses to all the Parliaments of Edward the First, and also *anno* 1 of Ed-

ward the Second, and then discontinued till the 27th of Queen Elizabeth.

April 30, 1641. A petition of Sir William Waller concerning the election for this borough.

No determination.

Nov. 6, 1678. A petition of John Deane, esq., against the undue return of Charles West, esq.

Ordered to the Committee of Privileges, but the Parliament being soon after dissolved, it was never heard.

March 28, 1679. A petition of John Pollen, esq., against the return of William Withers, esq.

March 24, 1680. A petition of Francis Paulet and Sir Robert Henley, touching the election for this borough.

Neither petitions were heard.

Jan. 22, 1688. A petition of Sir Robert Henley and John Venables, esq., complaining of an undue return of burgesses to serve in this present convention.

April 1, 1689. Colonel Birch reported, that the question was, whether the election lay in the bailiff, and a select number of burgesses, only; or in the populace: and the petitioners insisted, that it was an ancient borough, which used to send members to Parliament chosen by the populace.

April 1, 1689. Resolved: "That the right of election to serve in Parliament for this borough is in the bailiff and a select number of burgesses."

Resolved: "That Francis Paulet and John Pollen, esqrs., are both duly elected."

Feb. 13, 1700. The House being informed, that Francis Shepherd, esq., a member of this House, had been guilty of bribery at several corporations, in order to procure members to be chosen, and being heard, insisted upon his innocence. The House, after hearing counsel and witnesses, resolved :

March 17, " That the electors of the borough of Andover, in the county of Southampton, have endeavoured corruptly to set to *sale the election of a burgess* to serve in Parliament for the said borough.—And further resolved :

" That the lending money upon any security to a corporation which sends members to Parliament, and remitting the interest of the same with intent to influence the election of such corporation, is an unlawful and dangerous practice."

18th. Ordered: " That Mr. Julius Samborn, bailiff of this borough, Mr. Wimbleton, and Mr. Wareham, having been concerned in corruptly *exposing to sale the election of a burgess* for this borough, be severally taken into the custody of the sergeant at arms."—And

Ordered: " That Francis Shepherd, esq., do attend to answer the charges against him, touching the election for this borough."

19th. Francis Shepherd, esq., attended, and disclaimed any act of bribery, and submitting himself entirely to the House.

Ordered: " That Francis Shepherd, esq., be discharged from being a member of the House."—
See Newport, &c.

April 23, 1701. A petition of Julius Samborn,

Joseph Wimbleton, and Edward Wareham, esq., acknowledging their offences, begging pardon, and requesting to be discharged.

24th. They were brought to the bar, reprimanded on their knees, and discharged.

Jan. 3, 1702. A petition of Sir John Cope, knight, against the return of Francis Shepherd, esq.

Oct. 26. A petition of Sir John Cope, and Francis Conway, esq., against the return of John Smith and Francis Shepherd, esq.

“That John Smith and Francis Shepherd, esqrs., are both duly elected for this borough.”—To all which the House agreed.

In 1713, Thomas Pitt, esq., petitioned and withdrew it. In 1727, Matthew Skinner, Abel Ketelbey, and William Guidott, esqrs., petitioned; the two former withdrew their petitions, and Charles Collyear, esq., was found duly elected. In 1750, Francis Blake Delaval, esq., petitioned against the return of John Whitwell Griffin, esq., but withdrew it.

CORPORATION.

This town, it is said, had its first charter from King John, but was last incorporated by Queen Elizabeth, and is governed by a bailiff, a steward, a recorder, two justices, nine other capital burgesses, and twelve assistants, who annually choose the bailiff, and the bailiff appoints two sergeants at mace to attend him.

RIGHT OF ELECTION.

In the bailiff and select number of burgesses *only*, 1st April, 1689.

Jan. 28, 1703. Resolved: "That the right of election of burgesses to serve in Parliament for the borough of Andover, in the county of Southampton, is in the bailiff, and select number of burgesses *only*."

March 7, 1727. Resolved: "That the approved men and burgesses of the borough of Andover, (in com. Southampton,) who have petitioned this House, complaining of an undue election and return for the said borough, and that their votes were refused by the said bailiff, be at liberty to withdraw the said petition."

NUMBER OF VOTERS—24.

RETURNING OFFICER—the Bailiff.

PATRONS—Earl of Portsmouth and Ralph Etwall, esq.

POLITICAL CHARACTER.

The corporation of this town, like that of Christchurch, have assumed the exclusive privilege of election, but with much better pretensions than the latter, as they have the sanction of a resolution of the House of Commons, of the 1st of April, 1689, and again confirmed the 28th of January, 1702. The corporation consists of twelve capital burgesses, from amongst whom, a bailiff and two other magistrates are annually chosen, and twelve assistant burgesses. They have also a high steward, recorder, and town clerk.

The inhabitants of this town, who are numerous, there being upwards of six hundred houses, have never submitted but with regret, and the strongest opposition, to the deprivation of their rights, which they had exercised till 1689, and were then disfranchised by one of those arbitrary resolutions of the House of Commons which brought their decisions into such general disrepute, as to give life to the Grenville Act, which was expected to be a security to the country against future encroachments of the people's rights; but, alas! it does not remove from the journals those numerous resolutions of disfranchisement, which affect not only this town, but the towns of Banbury, Beaumaris, Bewdley, and above a hundred more, together with the popular cities of Bath, Salisbury, Winchester, &c. &c. &c. Had the acts of the 10th, 11th, and 28th of George III., better known by the name of the Grenville Acts, repealed, or caused to be expunged, all the resolutions of the House of Commons, respecting the right of election in cities, towns corporate, boroughs, cinque ports, &c., and then left the question of right open to a committee of the House of Commons, constituted as that act directs, and subject to an appeal, as is enacted in the last mentioned statute, this intolerable grievance might in time have been corrected, and the large and popular towns and cities, at least, have been restored to their natural and constitutional privileges.

The political annihilation of cities and towns, such as Ely, Manchester, Leeds, &c. which for-

merly sent members to Parliament, and the limitation of the right of franchise to the corporations of others, has reduced the constitution to a wreck; the representation to a form, the substance to a shadow; and it is now impossible to restore it to its essence, vigour, and purity, but by a radical, effectual, and universal reform.

The patrons of this corporation, who have the nomination of their members, are the Earl of Portsmouth, their high steward, and Ralph Etwall, esq., an attorney of this borough.

SOUTHAMPTON.

SOUTHAMPTON, a borough-town, consisting of six parishes, is situated at the union of the rivers Test and Itchen, which form Southampton bay, 22 miles from Portsmouth and 77 from London. It contains 1,509 houses, and 7,913 inhabitants, viz. 3,590 males and 4,523 females, of whom 1,882 were employed in various trades and manufactures. The town (except the eastern part) is well paved, lighted, and watched; conduits are disposed at proper distances, supplying the town with excellent water. Many new and elegant buildings have arisen within these few years; which are chiefly occupied as lodging-houses for its numerous summer visitors, for the purpose of sea-bathing. As the town occupies a kind of Peninsula, the soil of which is a hard gravel, and the streets having a gentle ascent, they are always clean and dry. The walls with which the town was an-

ciently surrounded are in many places quite destroyed, but in others they still present a venerable appearance; they appear to have had towers at different intervals, several of which still remain. The circuit of the walls is computed at $1\frac{1}{4}$ mile, but the whole town cannot be less than three miles round at present. The castle stands near the middle of the south part of the town, and seems to have been of a semi-circular form, of which the town wall towards the sea formed the diameter. The keep stood on a high artificial mount, and from its ruins a small round tower has been constructed, from whence there is a delightful prospect. It is supposed to have been of Saxon origin. The castle is now the property of the Marquis of Lansdown, of which he has formed, by considerable additions, a very commodious mansion. Although there are six parishes it contains but five parish churches; viz. Holy Rood, St. Michael's, All Saints, St. Mary's and the united parish church of St. Lawrence and St. John. The inhabitants carry on a considerable trade with Portugal for wine and fruit, as likewise with the islands of Jersey and Guernsey; to which they send a certain quantity of wool, allowed by act of parliament. In time of war a cutter is stationed here, and sails every fortnight for those islands. In the Guildhall all causes are tried, and the general quarter-sessions held. The mayor and bailiffs have a court for the recovery of small debts, which can be held every Tuesday in the year.

REPRESENTATIVE HISTORY.

It first sent members to Parliament in the 23d of Edward I., and is a town and county of itself, being made so by Henry VI.

In the first of Edward III., it appears the return was made by the bailiff.

PETITIONS, &c. March 19, 1689. A petition of Sir Charles Wyndham, against the return of Edward Flemming, esq., claiming the right of election to be in the burgesses and inhabitants, paying scot and lot. Mr. Flemming, at the same time, insisting it to be in the mayor, bailiffs, and a select number of burgesses.

Resolved: "That the right of election, for this town and county, is in the burgesses and inhabitants of the said town and county."

"That Edward Flemming, esq. is not duly elected."

"That Sir Charles Wyndham is duly elected:" which resolutions, being read twice, were agreed to by the House, and the return ordered to be amended accordingly.

— 24. A petition of Arthur Shallet, esq., against the return of Sir Benjamin Newland.

Oct. 17, 1690. Another petition of the same, to the same effect.

Nov. 29, 1695. A petition of John Smith, esq., against the same return.

The question upon this return was, whether the right of election was in the mayor, bailiffs, burgesses, and other inhabitants of the said borough,

excluding the out-living burgesses, or whether *including* the out-living burgesses, as well as the burgesses-inhabitant.

Resolved: "That the right of election is in the out-living burgesses, as well as the burgesses inhabitants, and other inhabitants, paying scot and lot."

"That Sir Benjamin Newland is duly elected a burgess for this town and county:" both which resolutions, being read twice, were agreed to by the House.

Feb. 19, 1711. A motion being made, and the question being put, that taking a gratuity of 500 gold ducats annually from the contractors for bread and bread waggons, for the army in the low counties, by Adam Cardonnell, esq., secretary to the general there, a member of this House, was unwarrantable and corrupt, it was resolved in the affirmative: and further

Resolved: "That the said Adam Cardonnell, be, for the said offence, expelled this House."

Glenbervie,
vol. iv. p.
47.

In 1734, there being a double return, viz. Anthony Henley and John Conduit, esqrs., the former was voted not duly elected, April 3, 1735.

In 1774, several voters, (in the interest of Lord Charles Greville Montagu) petitioned against the election of John Fleming, esq. The petitioner stated, that Mr. Fleming, when he offered himself a candidate, and at the time he was returned as a burgess to represent the said town in Parliament, was sheriff of Hampshire, or the county of Southampton, and that all sheriffs are disabled from

being elected, not only by an ancient resolution of the House, but by the express letter of his majesty's writ or summons directed to the sheriff.

It was admitted that Mr. Fleming was sheriff of Hampshire at the time of his election; that the town of Southampton is a county of itself; that there is a sheriff of the town to whom the writ of election is sent, and who, in consequence of the writ, issued his precept to the mayor and two bailiffs, they being the returning officers. The committee resolved: "That John Fleming, esq., being sheriff of Hampshire at the time of the last general election, was eligible to serve in Parliament for the town of Southampton."

The committee refused to permit the petitioners to give evidence tending to shew that the votes given were thrown away, inasmuch as there was no such allegation in the petition: but the principle was admitted to be, "that where there is a legal incapacity, and the fact of a candidate's being under such incapacity is known, the votes given for him are thrown away."

There arose an objection to the mayor's conduct upon a fraudulent omission, by him, of part of the election writ in the precept for election; and it was resolved, "That the matter could not be inquired into, because it was not alleged in the petition."

On Feb. 12, 1775, the committee, by their chairman, informed the House, that they had determined "That the sitting member was duly elected."

CORPORATION.

A mayor, recorder, sheriff, two bailiffs, and an indefinite number of burgesses. All who have served the office of mayor are stiled aldermen; and those who have served sheriff or bailiff, are of the common council.

The burgesses, though not members of the common council, are yet of the corporation, and have votes. These are principally made for election purposes, and whenever there is a contest, a number of them are called in from all parts of the country, to make a majority for the ministerial candidates.

The mayor and recorder, the Bishop of Winchester, the five senior aldermen, and the two senior common councilmen, are justices of the peace. They have also a town clerk, four sergeants at mace, and a town crier.

RIGHT OF ELECTION.

Dec. 31, 1689. Resolved: "That the right of election of Burgesses to serve in Parliament for the town and county of Southampton, is in the Burgesses and Inhabitants of the said town.

March 17, 1695. Resolved: "That the out-living Burgesses, as well as the Burgesses, Inhabitants, and other Inhabitants paying scot and lot, have a right to vote for electing members to serve in Parliament for the town, and county of the town of Southampton.

NUMBER OF VOTERS—700.

RETURNING OFFICERS—the Mayor and two Bailiffs. April 3, 1735.

PATRON—Rt. Hon. George Rose. One member.

POLITICAL CHARACTER.

The influence in this town is principally in the corporation, although the right of election is in the inhabitants, householders, paying scot and lot, and their number is near seven hundred.

The late Hans Stanley, of famous memory, represented this town near thirty years, and was so profuse in the distribution of court favors, which it is well known were at his disposal, as to bring it into the vortex of government boroughs. So unstable, however, is gratitude, thus procured, that they turned his nephew, the present Hans Sloane, esq., out of its representation, a very few years after his death.

The Rt. Hon. George Rose succeeded the Rt. Hon. Hans Stanley, as government patron of this town. In 1794, his son, G. H. Rose, esq., had to sustain a severe contest with Bryan Edwards, esq. In 1806, the independent interest succeeded in returning one member, Arthur Atherley, esq., a native of Southampton, who was elected by a considerable majority. The numbers on the poll being for

Arthur Atherley, esq. 485

G. H. Rose, esq. 382

J. Jackson, esq. 280

At this election, as upon other occasions, Mr. Rose polled his host of non-resident burgesses.

In 1807, Mr. Rose and Mr. Jackson were chosen without opposition.

At the last general election in 1812, Arthur Atherley, jun. esq., opposed the patron's interest, when the numbers on the poll were, for

Arthur Atherley, esq. 465

G. H. Rose, esq. 383

William Chamberlaine, esq. . . . 301

Upon this occasion, the following non-resident burgesses voted for Mr. Rose.

Sir Harry Neale, bart.

Thomas Goldwin, esq.

Sir John Pollen, bart.

Samuel Cleveland, esq.

The Honourable Charles Fitzroy, M. G.

Henry P. Wyndham, esq.

Reverend Arthur Dodwell, clerk.

Lieutenant-General Manners.

Lieutenant-General Cartwright.

William Chute, esq.

Sir Brook Watson, bart.

Edward Pery Bulkeley, esq.

A. Berkeley Drummond, esq.

Reverend Matthew Woodford

Benjamin Charles Stevenson, esq.

Reverend George Wells, clerk.

Reverend John Wells, clerk.

Reverend Hoadley Ashe, D. D.

Sir William Heathcote, bart.

Thomas Heathcote, esq.

William Chamberlayne, esq.

John Breton, esq.

Reverend Ellis St. John.

Thomas Beckley, esq.
Major-General Calvert.
William James Cooke, esq.
Peter Smith, esq.
W. C. Daman, Attorney at Law.
Sir Nathaniel Holland, bart.
Reverend Anthony Hamilton, D. D.
Reverend Edwards Beadon, clerk.
Giles Stibbert, esq.
William Sotheby, esq.
John Roberts, esq.
Thomas South, esq.
George N. Vincent, esq.
Tomkins Hilgrove Turner, esq.
William P. Smith, esq.
William Edward Jolliffe, mercer.
Reverend Robert Cranmer, clerk.
John Brissault, esq.
A. Scott, esq., rear-admiral.
Reverend Cranley Lancelot Kerby, clerk.
David Lance, esq.
Jeremiah Olive, esq.
John Hornby, esq.
Thomas Porteus, esq.
Robey, Eldridge, merchant.
Robert Sadleir Moody, esq.
Edmund James Moody, esq.
Reverend Alexander Scott, D. D.
Hans Sloane, esq.
Edward Desbrowe, esq. vice-chamberlain to the
Queen.
William Stuart Rose, esq.
Edward Dauvergne, esq.

Richard Light, esq.

Reverend David Durell, clerk.

William Seaward, esq., captain of marines.

Thomas Mears, esq.

The Right Honourable George Rose.

John Durell, esq.

John Lowder, esq.....Total, 62.

The system of influence which prevails in this borough, is fully explained by the number of placemen to be found in the above list.

It was here that Canute the Great ridiculed his flattering courtiers, by sitting *crowned and* in his royal robes, on the banks of the sea, forbidding the tide to approach his footstool, but the sea, deaf to his commands, and regardless of his threats continued its wonted course, and wetting his majesty's feet and robes, he started up, and upbraided those sycophants with the grossness of their flattery, in pretending that all nature obeyed him. "Let this convince you, and all the world," added he, "that the power of the greatest monarch
" is poor and weak, and that none is truly worthy
" of the title of king, but He, whose will being an
" eternal law, the heavens, the earth, and the sea
" obey."

ISLE OF WIGHT.

THIS Island lies on the coast of Hampshire, from which it is separated by a channel, varying in breadth from 4 to 7 miles. Its form is that of an irregular lozenge, measuring about 22 miles from the eastern to the western angle, and 13 from

the northern to the southern, being 60 miles in circumference; containing an area of 100,000 square acres, of which quantity 75,000 acres may be reckoned in a course of tillage, and 20,000 in pasturage. It is divided into two hundreds, called East and West Medina; 36 parishes, 3 boroughs, Newport, Newton, and Yarmouth; the whole containing 3,598 houses and 22,097 inhabitants, viz. 10,824 males and, 11,273 females; of whom 2,409 were returned as being employed in various trades, and 4,377 in agriculture. Its principal river is the Medina, which gives name to its hundreds, and so called from its dividing the island into two nearly equal parts; there are two other small streams, called the Yar and the Wootton.

This large district of Hampshire, which is more extensive than the county of Middlesex, sends, independently of its boroughs, no representatives to Parliament. Such persons as possess freeholds within the island are permitted to vote for the county of Southampton, but they might as well have that privilege in Yorkshire; for in order to exercise it they must travel from their residence in the Isle of Wight, which is 22 miles long and 13 broad, and cross the sea 17 miles to Southampton, after which, they have 12 miles more to Winchester to give their votes at an election which they have no more local interest in, or topographical connexion with, than they have with Yorkshire.

Newport the capital of the island, including that part of the town which is out of the parish, contains a population of 4,000 persons, has two members chosen by a self-elected corporation of

twenty-four individuals, many of whom are non-residents.

Yarmouth which has only a population of *three hundred and forty three* inhabitants, has two members chosen by a corporation of twelve individuals, only *one* of whom is resident in the borough.

Newtown, a hamlet in the parish of Shalfleet in this island, composed of only half a dozen fishermen's huts, without a church, town hall, or officer of any description, and having scarcely the appearance of habitation, sends two members, chosen by the owners of thirty six burgage tenures, paying a land-tax of no more than 3s. 8d., the major part of which, belong to three individuals who choose the members for this nominal borough.

The corporations of Newport and Yarmouth are entirely under the influence and submit to the nomination of Sir Leonard Troghear Worsley Holmes, bart., and the majority of the burgage-holds at Newtown, being the property of three individuals, the Hon. Charles Anderson Pelham, Sir John Barrington, and his nephew Barrington Pope Blachford, esq.; it is plain that the four members for Newport and Yarmouth are returned by only one person. The members for Newtown are chosen at present by three persons; in all, six members by four individuals: and this small body may be further diminished by an union of interest in the borough of Newtown between the Hon. Mr. Pelham, and Sir L. T. W. Holmes, in which case three men would return six members to represent them in Parliament. If this unadorned recital

does not impress on the mind the fullest conviction of the absolute necessity of a radical reform in the representation, it is surely fair to conclude, that the utmost power of reason and eloquence would be exerted in vain.

NEWPORT, OR MEDINA—(ISLE OF WIGHT.)

NEWPORT, a borough and market-town in the parish of Carisbrook, in the Isle of Wight, Hants, is situated near the middle of the island, on the river Medina or Cowes, which falls into the sea, 7 miles below this town. It is 79 miles from London, and contains 564 houses and 3,585 inhabitants, viz. 1,651 males, 1,934 females, of whom 640 were returned as being employed in various trades. The town is regularly built, and has some handsome shops and good inns.

REPRESENTATIVE HISTORY.

This borough sent members to Parliament in the 23rd of Edward the First, and it afterwards ceased till the 27th of Elizabeth, when she restored it.

PETITIONS, &c. Jan. 28, 1698. A petition of John Acton, esq., against the return of — Greenhill, esq., by means of notorious practices, to the disservice of his majesty, he being at the same time a commissioner of the dock-yard at Portsmouth.

Nov. 29, 1699. Another petition of John Acton, esq., against the same return.

Jan. 11, 1700. Sir Rowland Gwynn reported

from the committee that the right of election was agreed to be in the mayor, aldermen, and capital burgesses.

But the petitioner's counsel insisted that Mr. Geenhill's votes were obtained by promises of places, and by sending great quantities of junk to be made into oakum by the poor people of Newport, which practice was alleged for the purpose of gaining votes.

Mr. Matthews proved, that the sitting member made use of Mr. Smith's interest, as clerk of the rope-yard, and Mr. Smith *particularly pressing* him, he answered he would be for Mr. Greenhill, if Lord Cutts would recommend him, by helping his son to a purser's place, from which he had before been dismissed; that afterwards he received the following letter from Mr. Smith:

“ Dear Sir,”

“ I most humbly thank you for the particular
“ service you have done me, in respect to commis-
“ sioner Greenhill, who is wonderfully pleased at
“ the letter you sent my Lord Cutts on his behalf;
“ he orders me to present his most humble ser-
“ vices to you, and let you know, that on Mon-
“ day, about four o'clock in the afternoon, he will
“ wait upon you, and give you his hearty thanks.
“ I am still to pray the continuance of your favor
“ in this affair, and that you will please to let Mr.
“ Mayor know, that for the respect that is de-
“ signed him by the corporation, he will forthwith
“ make his son John, purser of a third-rate ship,
“ an employment now-a-day's hard to be gotten;
“ and for my brother Rookly, upon your request

“ to him on his behalf, will immediately proceed
 “ to get him a good post, and also will do you
 “ and the town any service that shall be desired
 “ of him.

“ The commissioner has this day wrote to the
 “ Earls of Oxford, and Scarborough, to request
 “ of my Lord Cutts, his recommendation to your
 “ corporation, according as I *hinted* to you, and I
 “ hope in a few days to hear a good account of
 “ that matter; however, whether the commissioner
 “ does obtain his ends or not, he assures me his
 “ zeal to serve the town will not be *a jot the less*,
 “ and that now he will employ all the poor, I must
 “ earnestly beg your best endeavours to promote
 “ his interest against he comes over, and will please
 “ *cunningly* to intimate the commissioner's *design*
 “ *to serve the mayor's son, as also my brother*
 “ *Rookly's*, which he positively *resolves to do*.
 “ I hope by your prudent *management*, the com-
 “ missioner will find from the corporation a civil
 “ and candid reception, which will be most grate-
 “ fully acknowledged by him to you all, particu-
 “ larly to yourself, as also by

“ Your most faithful, humble servant,
 “ W. SMITH.”

“ Portsmouth Dock-Yard,
 “ July 28th, 1698.”

“ P. S. I have sent the coffee by the bearer,
 “ Nurse Dart, which humbly prays your accept-
 “ ance. My service attend you and my cousins.”

And the said Matthews said he had received a
 second letter from Mr. Smith upon the same sub-
 ject, and that he acquainted the mayor of the

same, in the presence of his wife, who said the good of their son was more to them than any *Parliamentary-man*.

Upon the whole, the committee resolved, "That Henry Greenhill, esq. is duly elected a burgess for this borough;" which being twice read, was agreed to by the House.

Feb. 13. The House was informed that Samuel Shepherd, sen., esq., a member of this House, had been guilty of bribery at several corporations, (see Andover,) and ordered it to be heard at the bar, and the charge to be put in writing.

— 15. In the charge against Mr. Shepherd, this borough is set down as one of the said corporations.

March 18. Resolved: "That Samuel Shepherd, senior, esq., is guilty of notorious bribery, in obtaining his election as a burgess for this borough." And, after reading several resolutions relating to the said Mr. Shepherd,

Resolved: "That the said Samuel Shepherd, sen. esq. be committed a prisoner to his majesty's Tower of London."

Resolved: "That Mr. Glover, agent to Samuel Shepherd, esq., has been guilty of corrupt and indirect practices in procuring the election of the said Samuel Shepherd;" and,

Resolved: "That the said Mr. Glover be, for the said offence, committed a prisoner to his majesty's gaol of Newgate."

— 19. Resolved: "That it appears to this House, that Mr. John Hassum is guilty of corrupt and indirect practices in the said election;" and

Ordered: "That he, the said John Hassum, be taken into the custody of the sergeant at arms."

Resolved: "That Sir Edward Seymour, bart. has made good his general charge against Samuel Shepherd, sen., esq., of bribery and corruption in several boroughs that send members to Parliament;" and further,

Resolved, *nem. con.*, "That the thanks of this House be given to Sir Edward Seymour, bart., a member of this House, for the great service he has done the public, in detecting the bribery and corruption which has been practised in the election of several members to serve in Parliament:" and the thanks of the House were accordingly given.

April 15. The House proceeded to take into consideration how they should further act with relation to the crimes charged against Samuel Shepherd, sen., esq.; and

Resolved: "That the said Samuel Shepherd, sen., esq., shall be expelled this House, and that he do receive the said sentence at the bar of this House.

— 16. He was brought to the bar by the sergeant with the mace, where, *being upon his knees*, Mr. Speaker pronounced the sentence of his being expelled the House.

Parl. 16. John Barrington, esq. petitioned against Mr. Rushworth's return, on the score, that he being in priest's orders was ineligible to be elected. Feb. 24, 1785, the chairman of the committee appointed to try this contested election, found the sitting member duly elected.

CORPORATION.

By a charter of the 13th of Charles II., Newport is governed by a mayor, 11 aldermen, and 12 Burgesses.

RIGHT OF ELECTION

Is in the Mayor, 11 Aldermen, and 12 Burgesses.

NUMBER OF VOTERS—24.

RETURNING OFFICER—the Mayor.

PATRON—Sir Leonard Troughear Worsley Holmes.

POLITICAL CHARACTER.

The corporation of Newport was formerly under the influence of the Dukes of Bolton, but upon the demise of the last duke but one, the first Lord Holmes of the kingdom of Ireland, whose residence and estates were in the Isle of Wight, became patron of this borough.

Upon his decease, his nephew, the Rev. Leonard Troughear, succeeded to his fortune, and assumed his name, and was also created a peer of Ireland by the same title.

The second Lord Holmes had also the command of this corporation for near forty years; and being succeeded upon his death by the late Reverend Sir Henry Worsley, of Pitford, bart., he also assumed the name of Holmes, and became patron of this borough.

On the decease of this gentleman, his son, the present Sir Leonard Troughear Worsley Holmes, bart., became the successor to his fortune and influence.

The control of the boroughs of Newport and Yarmouth seem now to have become hereditary in this family.

AN ANECDOTE

Occurs in the history of this borough, which deserves to be recorded in characters of gold.— On the death of the first Lord Holmes, a very powerful attempt was made by the late Sir William Oglander, and some other neighbouring gentlemen, to deprive his lordship's nephew and successor, the Rev. Mr. Troughar Holmes, of his influence over this corporation. The number of that body was at that time *twenty-three*, there being one vacancy amongst the aldermen, occasioned by the recent death of Lord Holmes. Eleven of them continued firm to the interest of the nephew, and the same number was equally eager to transfer that interest to Sir William Oglander and the Worsley family. A Mr. Taylor of this town, one of the burgesses, withheld his declaration, and as his vote would decide the balance of future influence, it was imagined that he only suspended it for the purpose of private advantage. Agreeable to that idea, he was eagerly sought by the agents of each party. The first who applied is said to have made him an offer of 2,000*l*. Mr. Taylor had actually made up his mind to have voted with this party; but the moment his integrity and independence were attacked, he reversed his determination, and resolved to give his suffrage on the opposite side. That party, however, like their opponents, being ignorant of the favour designed them, and of the accident to which they

owed it, assailed him with a more advantageous offer. He informed them that he had but just formed the resolution, in consequence of a similar insult from their adversaries, of giving them his support; but since he had discovered that they were both aiming at power by the same means, he was determined to vote for neither of them: and to put himself out of the power of further temptation, he resolved to resign his gown as a burgess of the corporation; which he accordingly did the next day.

YARMOUTH—(ISLE OF WIGHT.)

YARMOUTH, a sea-port, borough, and parish, in West Medina, Isle of Wight, 10 miles from Newport and 100 from London; containing 72 houses, and 343 inhabitants. The town stands on a bank sloping to the sea, and has evident traces of having been much larger than at present.

REPRESENTATIVE HISTORY.

This borough first sent members to Parliament in the 23rd of Edward I.; and although it was again summoned in the same reign, it made no return till the 27th of Elizabeth, when it was restored.

PETITIONS, &c. The House entered into an enquiry concerning several corporations; and

Ordered: "That a committee be appointed to inspect the books of the East India company immediately."

The committee reported they had found

“ That the sum of one thousand guineas were delivered and paid to the Hon. Sir John Trevor, by the chamberlain of the city of London, for assisting in passing the Orphans’ Bill.”

Resolved: “ That Sir John Trevor, late Speaker of this House, being guilty of a high crime and misdemeanor, by receiving a gratuity of one thousand guineas from the city of London, after passing the Orphans’ Bill, be expelled this House.”

Nov. 30, 1695. A petition of John Acton, esq., against the return of Anthony Morgan, esq., by means of admitting five undue burgesses.”

Resolved: “ That Anthony Morgan, esq., is duly elected a burgess for this borough.”

March 30, 1715. A petition of Sir Theodore Janssen and Colonel Anthony Morgan against the return of Sir Robert Raymond and Colonel Henry Holmes, by means of several undue and indirect practices.

July 21, 1716. A petition from the same to the same effect.

The committee resolved: “ That Sir Robert Raynard and Colonel Henry Holmes are not duly elected,” and

“ That Sir Theodore Janssen and Henry Morgan, esq., are duly elected burgesses to serve for this borough ;” which resolutions being twice read, were agreed to by the House.

Jan. 23, 1720. A motion being made, “ That Sir Theodore Janssen, a member of this House, is guilty of a notorious breach of trust as a director of the South Sea Company, and thereby occa-

sioned a very considerable loss to great numbers of his majesty's subjects, which has highly prejudiced the public credit."

Resolved, *nem con.*: "That Sir Theodore Jansen is guilty of the charges brought against him, and that for his said offence he be expelled this House;"—and ordered, "That he be taken into the custody of the sergeant at arms."

Parl. 13. The Hon. George Lane Parker and Thomas Dummer, esq., petitioned. In the year 1775, the chairman of the committee reported to the House, "That the petitioners were duly elected, and ought to have been returned."

CORPORATION

Consists of a mayor and twelve burgesses, according to a charter granted in the 7th of James I.

RIGHT OF ELECTION,

April 11, 1717. Resolved: "That the bye-law made the 21st of September, 1670, by the Mayor and five chief Burgesses of Yarmouth, in the Isle of Wight, being the major part of the chief Burgesses then existing for electing free Burgesses by the Mayor and five chief Burgesses, was a good bye-law."

Jan. 19, 1769. Resolved: "That Thomas Grimes, esq., being elected a chief burgess during the pretended mayoralty of John Leigh, esq., whom the House resolved was not legally elected a chief burgess of the said borough, and was therefore incapable of being elected mayor of the said borough, on the 21st of September, 1765."

Resolved: "That the Rev. Dr. Walker, and the Rev. Mr. John Oglander, being elected chief burgesses during the pretended mayoralty of the said Thomas Grimes, were not legal chief burgesses of the said borough."

Resolved: "That the election of the twenty-five free burgesses, objected to by the counsel for the petitioners, elected during the present mayoralty of the said Thomas Grimes, esq., at an assembly in which the said Dr. Walker and Mr. Oglander attended, and voted as two of the five chief burgesses in the election of the said twenty burgesses, was illegal and void."

NUMBER OF VOTERS—13.

RETURNING OFFICER—the Mayor.

PATRON — Sir Leonard Troughear Worsley Holmes.

POLITICAL CHARACTER.

This borough, which contains only seventy-two houses, cottages included, has never had more than one solitary voter resident in the place for more than fifty years.

It is, like Newport, a corporation borough, though its charter is different. The corporation here consists of a mayor and twelve capital burgesses, with a power of making an indefinite number of free burgesses, who have altogether the choice of the members.

The influence over the corporation was for many years contested between the late Lord Holmes and the late Jervoise Clarke Jervoise, esq., and the Leigh family, of North Court, in this island, of

which Mr. Jervoise's lady was a part: a compromise took place, by which it was stipulated that a great number of free burgesses, then newly made, should be disfranchised, which was accordingly done; that each party should thenceforth name one member; and, to keep the interests even, whenever a capital burgess should die, the side to which he belonged should immediately nominate another person to be a free burgess, and then make him capital, as the charter prescribes.

This compromise continued from the year 1768 till the last general election, *and each party returned a member after the death of Mr. Jervoise.* The late Sir Henry Worsley Holmes is said to have purchased the interest of his successor, and his son now nominates both members.

The whole number of capital and free burgesses, in 1780, were twenty-two, but since the corporation has fallen under the control of a single patron, it has become the policy to have the number as low as possible, and for that purpose to make no more free burgesses.

NEWTON, *or* NEWTOWN, ISLE OF WIGHT.

NEWTON, a borough in the parish of Shalfleet, in East Medina liberty, Isle of Wight, Hants, is situated on a bay on the north-west coast of the island, between Yarmouth and West Cowes, 18 miles from Southampton, and 95 from London. The population was included with the return of

Shalfleet. It was originally called *Francheville*, which name it is supposed to have taken when rebuilt, after its destruction by the French in the reign of Richard II.

REPRESENTATIVE HISTORY.

This small borough never sent members to Parliament till the 27th of Elizabeth.

PETITIONS, &c. March 3, 1676. A petition of Sir William Meux, bart., also one of the mayor and in-burgesses, together with one of Mr. Henry Fanshaw, relating to the return of Sir John Holmes.

The motion being made, that these petitions be referred to the Committee of Privileges, it was disagreed to.

Dec. 5, 1695. A petition of Anthony Henley, esq., against the return of James Worsley and Thomas Dove, esqrs., by means of illegal votes being admitted.

No report appears.

Parl. 16. Sir Gilbert Elliot, bart., and other electors, petitioned against Mr. Gregory's election, but on the 22d of April, 1785, the petition, upon request, was withdrawn.

CORPORATION.

None. It has, however, a titular mayor, chosen by the burgage-holders.

RIGHT OF ELECTION.

April 22, 1729. Resolved: "That the right of election of burgesses to serve in Parliament for the borough of Newtown, in the Isle of Wight, in the county of Southampton, is in the Mayor

and Burgesses of the said boroughs, having borough lands within the said borough.

NUMBER OF VOTERS—33.

RETURNING OFFICER—the titular Mayor.

PROPRIETORS—Hon. Charles Anderson Pelham and Sir John Barrington.

POLITICAL CHARACTER.

This being a decayed borough, consisting of only a few cottages, and paying no more than three shillings and eightpence to the land-tax, may be ranked with Old Sarum, Gatton, and Midhurst, yet it sends as many members to Parliament as the county of Middlesex, which pays a sixth part of the land-tax of the whole kingdom, or the county of York, which contains a population of near a million persons, and has nearly twenty thousand electors on the freeholders book!!!

The right of voting here is in thirty-three burgage-tenures, which have been split into thirty-nine, and are the property of the following persons—

The Hon. Charles Anderson Pelham, in right of his wife, as heiress to the late Sir Richard Worsley	12*
Sir John Barrington	8
Sir L. T. W. Holmes	7†
Edward Worsley, esq.	3‡
Sir William Oglander	2
Heirs of John Urry, esq.	2
Carried forward.....	34

* Two are split.

† One split.

‡ Three split.

Brought forward	34
Co-heirs of John Leigh, esq.	1
Maurice Bisset, esq.	1
Barrington Pope Blachford, esq.	1
Heir of William Hill, esq.	1
William Harvey, a husbandman	1

39

The Hon. Mr. Pelham and Sir John Barrington are at present united ; and it is evident that, with the assistance of Mr. Blachford, who is nephew to the latter, they have a decisive majority.

One elector only resides in the place, and one other was disqualified by Mr. Crewe's bill.

Two of these burgage-holds were purchased by the late Sir Richard Worsley of the present Lord Mount-Edgecomb's father for a thousand guineas, though only two decayed cottages.

POLITICAL ANECDOTE.

In the pension list of Charles II. this paragraph appeared—" Sir John Holmes, Sir Robert's brother, and member for Newtown, *a cowardly baffled sea-captain, twice boxed, and once whipped with a dog-whip*, was chosen in the night without the head officer of the town ; and but one burgess present ; yet voted this last election, and will be re-elected."

END OF VOL. I. OF PART II.

Brought forward . . . 34
 Go-hair of John I. 1
 Maurice Baret, esp. 1
 Huntington Hope Blackford, esp. 1
 Her of William Hill, esp. 1
 William Harvey, a husband 1

The Hon. Mr. P.
 are at present united; and it is evident that, with
 the assistance of Mr. Blackford, who is nephew to
 the late . . . they have a decisive majority.
 One elector only resided in the place, and one
 other was dispatched by Mr. . . .
 Two of these burgess-holds were purchased by
 the late Sir Richard Worsley of the present Lord,
 Mount-Begon's father for a thousand guineas,
 though only two decayed cottages.

POLITICAL ANECDOTES.

In the session of Charles II. this paragraph
 appeared—“Sir John Holmes, Sir Robert's brother,
 then, and member for . . . a cowardly
 led an expedition, twice defeated, and once
 with a dog-whip, was chosen in the night without
 the head officer of the town; and but one burgess
 present; yet voted this last election, and will be
 re-elected.”

END OF VOL. I. OF PART II.

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